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Cover Image

(Turabeg Khanym Mausoleum)

The largest building of Konye-Urgench (Turkmenistan). Turabeg Khanum was the daughter of the Governor of Golden Horde - Uzbek-Khan and the spouse of his deputy in Khoresm Kutlug Timur.

There are arches and niches and tiling that suggest time keeping and calendar keeping. There are 365 sections on the sparkling mosaic, 24 pointed arches, 12 bigger arches below that and four big windows (representing the weeks of the month).

source: <http://turkmen.traveler.uz/component/content/article/44-turkmen-monuments/222-Turabeg-Khanym-Mausoleum>

The Frontier Crimes Regulation (FCR): A Socio Political Assessment

Sarfraz Khan*
& Abdul Hamid Khan**

Abstract

The Frontier Crimes Regulations (1901), a colonial legacy, has been an administrative framework, governing the so-called tribal areas along the Durand Line. According to Articles 246 and 247 of the Constitution, neither the Parliament of Pakistan nor the Provincial Assembly of Khyber Pakhtunkhwa can legislate for FATA. The President of Pakistan issues decrees in matters related to the Tribal Areas and in this respect the Governor, Khyber Pakhtunkhwa, acts as the Agent to the President. For the purpose of administration, the FCR is the only available tool in the hands of the Political Agent/Deputy Commissioner to maintain writ of the state. All offences are dealt under the Pakistan Penal Code (PPC 1898) and procedure is provided by the Criminal Procedure Code (Cr. PC) and Civil Procedure Code (CPC) as the case may be. In dispensation of such acts the Presiding Officer is assisted by the Council of Elders or Jirga, nominated by him, for the purpose. Responding to criticism by legal experts, Human Right groups and the tribesmen, to the FCR in general and its provisions pertaining to collective responsibility, various governments initiated reforms. Numerous committees and various reports recommended reform to improve different administrative and legal dispensations. The most recent has been introduced in August 2011, wherein the Political Parties Act was extended to FATA and the FCR was also amended. Despite the same, the Regulation, yet an inappropriate legal-cum administrative arrangement failing in guarantying the rights of the tribal people, is still in vogue. In fact, due to the so-called Special Status of FATA, the areas lag behind the rest of the country so far as social, political and economic development is concerned. The jurisdiction of the higher courts i.e., High Court and Supreme Court, have not been extended and judicial powers still are centered in the office of Presiding Officer, defying justice and fair trial. This

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legal vacuum has drastically jeopardized peace and the socio-political development of the tribal belt. In these circumstances, the special status or status quo in FATA needs to be re-visited.

Introduction

The Frontier Crimes Regulation is a specific administrative and legal framework promulgated to control the erstwhile Tribal Areas, now the Federally Administered Tribal Areas (FATA), Pakistan. The main purpose has been maintenance of law and order, besides resolution of conflicts and disputes among the tribes or persons within a tribe. The Regulation was enacted and put in place at the disposal of the Deputy Commissioner/ Political Agent serving under the supervision of the Provincial Government through the Divisional Commissioners. In all the seven Political Agencies and six Frontier Regions (FRs), for all practical purposes, the Political Agents, and Deputy Commissioners (FRs) have to act on the advice and recommendations of the Council of Elders, the nominated tribal *Jirga*. However, the final decision lies with the presiding officer and not the *Jirga*. Numerous reports, various Commissions and Committees, recommended to successive governments, to bring in reforms in the Tribal administration and most importantly in the FCR. Some advocated strengthening of the current Political administration to maintain status quo. Still other recommended amendments in or abolition of the FCR altogether, considering it obsolete, outdated and irrelevant, and instead, urged extension of the Constitution and jurisdiction of national court system to FATA.

British View of the Tribal Areas

Tribal Areas (TA) were created by the British as a special administrative construct. Since 1947, it enjoys the same status as provided in Articles 246 and 247 of the Constitution of the Islamic Republic of Pakistan, 1973. The offences scheduled in the FCR are processed through the relevant sections as provided in the Criminal Procedure Code, 1898. The punishment and sentences handed down to the culprits, offenders and violators of law, are based on the findings and recommendations given in the *Riwaj* with slight difference from one Agency or Frontier Region (FR) to another. Customs and traditions are given more preference, to keep the overall tribal paradigm intact. Collin Davies, referring to the particular ethnic, social and religious values of individual tribes, in the tribal agencies and the institution of *Maliki* and the powers of the Deputy Commissioners under the FCR, notes, "Here (Tribal Areas), the controlling power is a Council of Elders or tribal *Maliks*, known as the *Jirga* through which agency all negotiations between the tribesmen and the British Frontier officials are carried out. The more democratic a tribe, the larger the *Jirga*. For this reason, a full *Jirga* often

means nothing less than a gathering of every adult man. The tribal council is usually composed of certain number of influential maliks and mullahs who attempt to enforce their decrees by meting out punishment in the form of outlawry, heavy fines or the destruction of properties”.¹ The British Indian colony, in the interest of the British Empire, had left the tribal areas out of the main legal and administrative apparatus of the colony due to its inaccessibility and more so because of its worthlessness in the context of procuring raw material or generating revenue. It was a liability in this context but as a colonial outpost, it was heavily fortified for which scouts and levies were raised from the concerned tribes. However, post-1947, this construct should have been undone with the passing of colonialism and that a free homeland to the Muslims of the Sub-Continent of India has now been made available after a long struggle. No matter how apologetically put in, the *Jirga*, for all practical purposes, has become a mere tool in the hands of the Political Agent/Deputy Commissioner in their respective jurisdictions. More so, the verdict can be set aside, at will, by the presiding officer who is both the judge and the executioner.

FATA Reform History

The Frontier Crimes Regulation consists of sixty three sections and three schedules. To make it operative and extend its order, the Presiding Officers appoint the Council of Elders which recommends and suggests different sentences, punishment and penalties, to be given by the Political Agents (District Magistrate)/Deputy Commissioners (FRs) and Assistant Political Agent (Additional District Magistrate). Various Human Rights Groups and the civil society, beside legal experts and ex-judges, question the validity of FCR in today's world. Sections 8,11,13,17, 18, 19, 20, 21, 22, 23, 27, 28, 29 of the FCR in particular, most importantly 40, 45, 51 and 55 are target of bitter and harsh criticism, as these provisions infringe on the rights of the tribal people denying them equal treatment in matters relating to civil rights and freedom, available to the citizens of Pakistan. Even after the introduction of different sets of reforms in the overall system of governance in FATA and more importantly, in the FCR, the problem still exists and the FCR, as a colonial administrative framework, under which the British controlled the Pukhtuns as well as the Baluch areas along the Durand Line (1893), is still at work. It is a special Regulation meant for special circumstances and its provisions of collective-territorial responsibility empower the Political Agent and the Deputy Commissioner to punish a whole tribe for an individual act. While discussing the spirit of reform, one is at a loss to comprehend the knee-jerk approach while introducing reforms

¹ Davies, Collin, *The Problem of the North-West Frontier, 1890- 1908 With a Survey of Policy Since 1849*. Curzon Press, London 1975.

in the FCR. Various Governments, on different occasions intervened to reform the Regulation but did not abolish it, leaving the tribesmen in a situation that alienated them further. The whole reforms process has been piecemeal and unsubstantial.

Some more important reform interventions include:

FATA Reforms Committee Report on The Introduction of the Local Government Plan 2000 in FATA.²

This document is an extensive and keen study of the present system of governance in FATA and the way forward by bringing administrative and legal changes. The report challenges the status quo maintained since the colonial era. At the same time it is wary of the introduction of the so-called *Thana-Patwar* culture of the settled area to FATA given its ill repute. The work mainly focusses on:

1. The Special Constitutional Status of the FATA
2. The Political Administration.
3. Introduction of Local Government Institutions in Tribal Areas.
 - a. Establishing FATA Council & Secretariat
 - b. Establishing the Agency and FRs Council
 - c. Establishing Tehsil Council
 - d. The Union Council
4. The Levy/Khassadar System.
5. The issue of Women Seats/Participation
6. Reserve Seats
7. The Vote of No-confidence
8. Revenue System

The policy options considered by the FATA Reform Committee included:

- i. The Creation of an Independent Tribal Province
- ii. Securing Representation in the NWFP Assembly
- iii. Establishment of a FATA-Council
- iv. Creation of Separate FATA Secretariat.³

² Bangesh, M. (ed.), *FATA Reforms Committee Report on The Introduction of the Local Government Plan 2000 in FATA*.

³ Ibid.

Report of the Consultation Proceedings on The Frontier Crimes Regulations (1901) HRCP & Tribal Reforms and Development Forum 2004.⁴

The report focused on the following:

- ❖ Constitutionality of FATA, an integral part of Pakistan and repeal of any law repugnant to the constitution of Pakistan.
- ❖ Amending sections of FCR contravening fundamental human rights of the tribal people.
- ❖ Re-naming FCR as FATA Regulation.
- ❖ Transfer of legislative and administrative powers of the President of Pakistan under article 247 of the Constitution regarding FATA to the Parliament.
- ❖ Amending article 247 of the Constitution to extend jurisdiction of the superior judiciary to FATA.
- ❖ Implementing recommendations of the FATA Reforms Committee.
- ❖ Separating executive, judicial and administrative organs in FATA.
- ❖ Protecting rights of women and children.
- ❖ Patriarchal and discriminatory nature of FCR against women and children.
- ❖ FCR an impediment to social change in tribal areas.
- ❖ Abolition of collective punishment and collective territorial responsibility.
- ❖ Repealing/amending all obnoxious sections in the FCR, violating universal justice or human rights principles.⁵

FATA Strengthening and Regionalization of Administration: Draft Report 2006.⁶

This is a very compressive and detailed report on FATA in the context of the situation rising in the region as a result of 9/11. Its main thrust seems to maintain the status quo and avoid drastic changes in the overall system of governance in FATA, at least for the time being. The recommendations are, in fact, very practical aimed at strengthening the existing system, as stated below in the Terms of Reference:

- ❖ Strengthen and rationalize the existing system of administration of the Tribal Areas at the field and secretarial levels and its linkages with the Provincial and the Federal Governments;

⁴ HRCP & Tribal Reforms and Development Forum., *Report of the Consultation Proceedings on The Frontier Crime Regulations 1901*, HRCP & Tribal Reforms and Development Forum 2004.

⁵ Ibid.

⁶ Sahibzada, I. A., *FATA Strengthening and Regionalization of Administration Draft Report*. 2006.

- ❖ Create an appropriate institutional framework for undertaking an accelerated development program which should be comprehensive, well planned and implemented in a transparent manner; and
- ❖ Coordinate the resolution of outstanding issues relating to the administration of FATA between the Provincial Government and the Ministries/Divisions of the Federal Government.⁷

Pakistan's Tribal Areas: Appeasing the Militants Asia Report No 125-11 December 2006.⁸

This document, while criticizing the continuation of the colonial system in FATA, recommends among other, representation in Provincial Assembly, extension of jurisdiction of national court system, implementation of Article 8 of the Constitution besides curbing militancy and creating employment opportunities in FATA.

FATA Regulation 2008 FCR-Amendments 2008.⁹

This is a very authentic amendment package, recommending substantial changes, particularly in the *Jirga* constitution and revision of the powers of the Political Agent/Deputy Commissioner, most importantly concerning bail and sections related to territorial and collective responsibility. Beside amendment in Article 247 (7), it also recommends appointment of Judicial Magistrate/ Civil Judge at each Agency and establishment of FATA High Court and extension of jurisdiction of the Supreme Court of Pakistan.¹⁰

Article, "Special Status of FATA: Illegal Becoming Licit."¹¹

It is a keen insight on the legality of the FCR and the volubility of the special status of FATA. The writer talks about the legal position of FATA and notes the following:

1. FCR (Frontier Crimes Regulation) 1901.
2. Frontier Corps Ordinance 1959.
3. PPC (Pakistan Penal Code).
4. Cr.PC (Criminal Procedure Code).
5. Riwaj.
6. Other Laws.
7. Tiga-Cease Fire-Truce.

⁷ Ibid.

⁸ International Crisis Group., *Pakistan's Tribal Areas: Appeasing the Militants Asia Report No 125.11 December, 2006.*

⁹ Mohmand, M.I.K., *F.A.T.A Regulation 2008 F.C.R-Amendments 2008.*

¹⁰ Ibid., pp 24-25.

¹¹ Khan, S., *Special Status of FATA: Illegal Becoming Licit.* Central Asia Journal No.63. Area Study Centre, University of Peshawar, Peshawar 2008.

While giving the genesis of the FCR it states “The first regulation, known as the Frontier Crimes Regulation was introduced in 1871, followed by the Punjab Frontier Crimes Regulation of 1887, and the final version, the the Frontier Crimes Regulation was promulgated in 1901. Frontier Crimes Regulation of 1901 provides for the referral of civil and criminal cases to *Jirgas*, appointed by Deputy Commissioners who may recommend blockade of tribes as penalties, community fines, prohibition in certain cases of the erection of new villages, the removal of established villages, where necessary to maintain law and order, regulation of *hujras* and imprisonment to prevent crime”.¹²

Regarding legal intervention to reform the FCR, it recommends amendments in Articles 1, 246, and 247 of the Constitution of Islamic Republic of Pakistan (1973) including separation of executive and judiciary; representative *Jirga* and “legislation for FATA should be done by the Provincial Assembly, on the subject related to the Province, while the legislation on the Federal subject, should be done by the Parliament. Peace must precede all development initiatives”.¹³

The only reform interventions worth mentioning, before the recent one in 2011, are those recommended by the Justice (Retired) Mian Muhammad Ajmal Commission 2002, focusing:¹⁴

- ❖ Administrative Reforms.
- ❖ Financial Reforms.
- ❖ Judicial Reforms.
- ❖ Reorganization of law Enforcement Agencies (LEAS).

The generally preferred demands of the tribesmen regarding amendments in the FCR may be summed up as under. These, however, are not the final demands.

- ❖ Dispute resolution in accordance with Islamic *Fiqh* or Tribal *Riwaj*.
- ❖ Right of appeal in the High Court (FATA) to all the tribal people.
- ❖ Establishing a separate High Court for FATA.
- ❖ Imposition of maximum sentence of six month imprisonment or fine of Rs.50,000/- under Sections 22, 34 and 36 of the FCR.
- ❖ Repeal of Section 40 of the FCR.
- ❖ Furnishing of one year surety bond by both warring parties to keep peace.
- ❖ Arrest of immediate family members (father, son, brothers) of the culprits instead of *Qoom* (tribe) under the territorial collective responsibility. Exempting retired civil servants, traders and students from arrest and non-closure of livelihood/economic concerns such as

¹² Ibid., pp 25-26.

¹³ Ibid., p 36.

¹⁴ Ajmal, M. M., *Proposed Amendments in Frontier Crimes Regulation 1901*, by FCR Reforms Committee.

buildings, shops, businesses, trucks, petrol pumps and factories of the tribal people.

- ❖ Establishment of District level jails in FATA to lessen the financial burden upon the relatives of the inmates.
- ❖ Limiting of fine up-to a maximum of Rs. 50000/- considering the level of economic activities, poverty and unemployment in FATA.
- ❖ Not awarding rigorous imprisonment to prisoners, for crimes not yet proved.¹⁵

These suggestions are meaningful but not sufficient since they invite attention to certain important areas affecting the lives of the people of FATA. Ordinary citizen of FATA is not pleased with the present administrative arrangement, particularly the FCR. The latest reforms introduced in August 2011 provide for:¹⁶

- ❖ Protection of women, children and citizen above 65, from arrest under the collective responsibility, provided in Section 21 of the FCR.
- ❖ Timeline for disposal of cases.
- ❖ Power of the appellate authority to review orders.
- ❖ The establishment of FATA Tribunal replacing the FCR Tribunal
- ❖ Compensation for property
- ❖ Simplification of procedure as provided in the Cr.PC removing confusion
- ❖ It bringing the FCR in line with the Pakistan Penal Code (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act No. V of 1898).

Under this reform package, the system dispensing justice in FATA now comprises the FATA Tribunal, the courts of Divisional Commissioner, Political Agent and Assistant Political Agent, supported by the Council of Elders/*Jirga*.

The FATA Tribunal was established, in pursuance to the announcement of the reforms of August 2011 which began functioning on February 20, 2012. It is chaired by a retired Grade- 21 civil servant with one member of Grade-20 and a lawyer eligible to become a High Court Judge as a member besides a public attorney and a registrar.¹⁷

Before the introduction of the FATA Tribunal, the FCR Tribunal, comprising of Secretary Home and Secretary Law, used to hear appeals against order of Divisional Commissioner, who had entertained appeals against cases decided by the PA of the agency or DC of the FR. In some cases, remedy was available in the office of the Chief Secretary against the

¹⁵ Ibid.

¹⁶ Chaudhry, G.M., *Summary of 2011 Amendments to the Frontier Crimes Regulation*. www.fatareforms.org/summary-of-2011-amendments-to-the-frontier-crim... accessed 27-11-2013.

¹⁷ Notification No. FS/L&O/40FCR/433-49, dated 26-01-2012.

order of the FCR Tribunal. The new quasi legal appellate forum is, though not empowered to take up suo moto cases like that by a High Court or the Supreme Court, however has the power to take up habeas corpus petitions which provide relief to the tribesmen against arrest without reason.

The FATA Tribunal also visits prisons and the courts of Assistant Political Agents and Political Agents to monitor the implementation of the reforms introduced in the FCR. It is added, that under Section 11, the accused has to be presented before the APA within 24 hours. All civil cases are to be disposed off within 105 days and criminal cases in 100 days.¹⁸

An interesting aspect of the Amendment 2011, is the timeline for different levels of these forums to decide cases. In this context, the APA has to decide the case within 30 days, against whose orders an appeal can be moved before the PA within 30 days and before the Commissioner, within 90 days. Similarly the FATA Tribunal is bound to decide a case in 90 days. The FATA Tribunal is an appellate authority notified by the Governor exercising his power under Section 55 of the FCR.

Reforms 2011

The reforms undoubtedly, are important but not sufficient as Human Right activists, civil society and legal fraternity have rejected them because there is no provision for an appeal in the High Court as well as in the Supreme Court of Pakistan, which deprive the tribesmen of their legal rights as provided in Part II of the Constitution of the Islamic Republic of Pakistan, regarding Fundamentals and Principles of Policy guaranteeing fundamental rights. The FATA Lawyer Forum (FLF) even opposed the composition of FATA Tribunal.¹⁹ To them the non-tribal beaucroatic Appellate Forum is a continuation of barbarous practice, namely the FCR, hence, not competent to provide legal relief to the tribesmen. The Frontier Crimes Regulation operative in FATA heavily relies, on the powers of the Political Agent/Deputy Commissioner in case of FR and the *Maliks*, to administer and dispense legal matters of Agency through a nominated *Jirga* or Council of Elders. Given its heavy administrative and judicial mandate, the FCR is held to be unfair, unjust and even draconian, more so, when the sections 21 and 40 regarding collective responsibility are taken into account.

FATA Tribunal

In pursuance to the reforms announced by the Government in August 2011, the FATA Secretariat moved a summery to the Governor for appointment of Chairman and members of FATA Tribunal in light of the

¹⁸ Ibid.

¹⁹ The Tribal Times, 31, October 2013. The *tribaltimes.com* accessed 31-10-2013.

Section 55 (2) and (3) of the Amended FCR notified on 27th August 2011. Consequently, exercising the power under Section 55 of FCR (Amended) Regulation 2011, the following were notified.²⁰

Mr. Shah Wali Khan	Chairman
Mr. Pir Fida Muhammad	Member
Mr. Akbar Khan	Member

The terms, conditions, pay and allowances are allowed at par with Finance Department letter No. SO (B&A) FD/FS/3-60/2011 dated 1-12-2011. The Chairman has to draw a lump sum monthly salary of Rs. 200,000 while the two members, Rs. 150,000 each with house rent, POL, and other usual allowances of a civil servant.

The following are the salient features of the FCR (FATA Tribunal) Rules 2012.²¹

- ❖ The Tribunal will be stationed at Peshawar. Presently it occupies a rented building, i.e., House No. 140, Street No.1, New Shami Road, Peshawar.
- ❖ No court fee has to be paid by the applicant. However, for restoration after an ex-parte decision, cost shall be borne by the respondent.
- ❖ The Registrar of FATA Tribunal maintains five different kinds of registers for record.
- ❖ The daily 'Cause List' during a visit to the Tribunal contained thirteen cases, fixed for hearing. Many litigants, along with their counsels, were present.

Between February 20 2012 and August 2013, the FATA Tribunal decided 441 cases, both civil and criminal, which is an encouraging sign indeed. It is added that before the establishment of FATA Tribunal, which began functioning on February 20, 2012, the pendency of old cases before the defunct FCR Tribunal has been 216. Since then, additional 315 cases were instituted making the total to 531, out of which 441 cases were disposed during the month of August 2013 alone.²² This demonstrates the level of interest of the people and the efficiency of the FATA Tribunal.

Pendency of old cases before 20/2/2012	216
Fresh Institutions from 20/2/2012 to 31/08/2013	315
Total cases for Disposal	31
Disposal during the period 20/2/2012 to 31/08/2013	441
Current pendency	90

Source: Statement provided by the FATA Tribunal

²⁰ Ibid.

²¹ Ibid.

²² Ibid.

Conclusion

The recent reforms of August 2011 seem a step forward, keeping in view the reforms intervention since 1947. The focus is to simplify the procedure, provide opportunity for review and revision, and to some extent, arrest the powers of the Political Agent/Deputy Commissioner FR with respect to collective responsibility and collective punishment. The new arrangement also places an inspection and monitoring mechanism at the disposal of FATA Tribunal to check malpractices and excesses on ground. If the initial decision of providing staff of 156 is implemented, then, as conceived, there will be a law officer posted in the office of every Political Agent and a Deputy Attorney to represent the government in each Commissionerate. However, these reforms, in no way, treat Pakistani tribesmen at par with citizens living in the settled districts of the country. The FCR, with all its array of amendments, is a discriminatory Regulation, denying justice and fair trial to the inhabitants of FATA. Much has to be done, to abolish the FCR altogether, to give rights of appeal to the tribesmen in both, High Court and the Supreme Court, besides enforcing separation of Executive from the judiciary. Only this way people of FATA may be brought into the mainstream. FATA reforms history is knee-jerk at its best. All efforts, invariably, led to denial of rights and genuine empowerment of tribal people. The reforms history is not reflective of the will of the state to mainstream FATA and its people. The way forward can be amending the Constitution of Pakistan, particularly Articles 246 and 247, to abolish the special status of FATA. To ensure justice and fair trial extending the jurisdiction of the Superior courts is obligatory. Inhabitants of tribal areas have to be granted right to appeal before the High Court and Supreme Court of Pakistan. For this purpose, the creation of FATA High Court can be an option. Currently, executive powers of the Political Agent/ Deputy Commissioner (F.R) need to be separated from his/her Judicial powers. Reforms in the *Jirga*, or Council of Elders may be also introduced and the powers of Political Agent/Deputy Commissioner to nominate and constitute Jirga may be abolished to make it more representative. Legislation for FATA may either happen in the Provincial Assembly of Khyber Pakhtunkhwa or National Assembly and not through executive orders, issued by the President through the Governor, as given in the Constitution of Pakistan. It is imperative that people of FATA are brought into the mainstream social and development paradigm. This will ensure peace, which is a prerequisite for development. Though those powerful having stakes in status quo, prefer existing arrangement in the name of tribal autonomy and preservation of its culture, yet, various sections of society and rights groups within FATA, openly question the validity of the Frontier Crimes Regulation (FCR) and the special status of FATA.

Bibliography

- Ajmal, Mian Muhammad., *Proposed amendments in Frontier Crimes Regulation 1901*, by FCR Reforms Committee.
- Bangash, Mumtaz (ed.), *FATA Reforms Committee Report on the Introduction of the Local Government Plan 2000 in FATA*.
- Chaudhry, G.M., *Summary of 2011 Amendments to the Frontier Crimes Regulation*. www.fatareforms.org/summary-of-2011-amendments-to-the-frontier-cri... accessed 27-11-2013.
- Davies, Colin., [1975]: *The Problem of The North-West Frontier, 1890-1908 With a Survey of Policy Since 1849*. Curzon Press, London.
- Federally Administered Tribal Areas (Strengthening and Regionalization of Administration) Draft Report*, [2006].
- HRCP & Tribal Reforms and Development Forum., [2004]: *Report of the Consultation Proceedings on The Frontier Crimes Regulation 1901*, HRCP & Tribal reforms and Development Forum.
- Khan, Sarfraz., [2008]: *Special Status of FATA: Illegal Becoming Licit*. Central Asia Journal No.63., Area Study Centre, University of Peshawar, Peshawar.
- Mohmand, Muhammad Iqbal Khan., *F.A.T.A Regulation 2008 F.CR-Amendments 2008*.
- Notification No. FS/L&O/40FCR/433-49, dated 26-01-2012.
- Notification FCR (FATA Tribunal) Rules 2012 FS/L&O/40-FCR.
- Sahibzada, Imtiaz Ahmad., [2006]: *FATA Strengthening and Regionalization of Administration Draft Report*.
- Statement Showing Pendency/Institution/Disposal of Civil/Criminal Cases before FATA Tribunal from 20-02-2012 to 31-08-2013.
- Statement Showing Pendency/Institution/Disposal of Civil/Criminal Cases by FATA Tribunal during the month of August 2013.
- Swinson, Arthur., [1967]: *The North-West Frontier, People and Events, 1839-1947*. Frederik A. Praeger, Publishers: New York.
- The Tribal Times 31 October 2013. The tribaltimes.com accessed 31-10-2013.
- The Federally Administered Tribal Areas Local Government Regulation, 2002*.

Afghanistan: Process of ‘Islamization’ Under The Second Afghan Constitution (1931 – 1964)

Abdul Latif*

Nasir Shah came into power on 13 October 1929. Hazrat Sahib of shore Bazar, Kabul, his brother Sher Agha and other religious leaders of Afghanistan assisted his coming into power.¹ Basic objective of the change was to reverse the ambitious modernization efforts of Amir Aman Ullah Khan. Nadir Shah, aware of the political temperament of the masses, went for more freedom to the religious leaders, than they enjoyed during the rule of ex Afghan rulers Amir Abdur Rehman, Amir Habib Ullah Khan and Amir Aman Ullah Khan. The religious leaders were given greater influence and many privileges.² The judiciary was particularly made their almost exclusive domain, by establishing “Jamiat Ul Ulama” (Association of Islamic Scholars) and re-opening of high government posts, to please the clergy.³ The constitution of 1931, framed by Nadir Shah, recognized the power and semi-independent status of the religious leaders.⁴

Supremacy of Shariah

Supremacy of *Shariah* (Islamic Law) was most important judicial doctrine of the second Afghan Constitution. Immediately after coming into power, in October 1929, in his first policy statement (*Khate Mashi*), Nadir Shah declared that the government would carry out state business according to *Shariah* and desires of the Afghan people.⁵ Ministry of Justice and the

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¹ Mohammad A.K.M., *Constitutional Development in Afghanistan under Nadir Shah (1929 – 1933)*. M. Phil thesis, Peshawar: Area Study Centre (Central Asia) University of Peshawar, 1985. P. viii

² Articles 87 to 96, *Afghan Constitution of 1931*.

³ Vatran, G., *The emergence of Modern Afghanistan: Politics of Reforms and Modernization (1880 – 1946)*. Stanford University Press, California, 1969. P. 295.

⁴ Newell, R., *Politics of Afghanistan*, Cornell University Press, London, 1972. P.97.

⁵ Malik, M.A.K., *Constitutional Development in Afghanistan under Nadir Shah (1929 – 1933)*, M. Phil thesis, Area Study Centre (Central Asia) University of Peshawar, Peshawar, 1985. P.917. Op cit. P.917.

Parliament were made responsible for implementation of *Shariah* in the state affairs. Establishment of the Department of *Ihtishab* (for implementation of Islam in every day life, in an organized manner), was promised. All Afghans were declared to be equal in their rights, according to *Shariah*, without any discrimination on the basis of nationality or origin.⁶

The Constitution of 1931, later confirmed and elaborated this judicial doctrine regarding sovereignty of Islam and supremacy of *Shariah*, with *Hanafi* School as authoritative law.⁷ Adherence to the principles of Islam in various fields of the government has been articulated in at least 18 of the 110 articles of this Constitution.⁸ The constitution was named as *Usulnama-e-Asasi* (Fundamental code of Principles). The term *Usulnama* (code of Principles) was used for all the laws enacted during this period, to show that these rules and regulations were merely 'Principles' enacted by the parliament, to elaborate and implement the "*Shariah*", the fundamental law of the land. Unlike Amir Aman Ullah's constitution of 1923, which stressed over the 'state laws', the Constitution of 1931, emphasized over the *Shariah*.

Shura-i-Milli, an entirely elected body under the Constitution of 1931, was assigned the responsibility to elaborate, enact and implement the *Shariah*, it was directed not to enact any law repugnant to the principles of Islam (Article 65). Under the Constitution, government was required to *refrain* from infringing the principles of Islam in areas such as personal liberties (Article 10 & 13), Public Education (Article 22). Press and Publications (Article 23), private ownership (Article 15) application of punishment (Article 7, 11 and 19). Article 88 declared that suits filed in '*Shariah Courts*' shall be further adjudicated under principles of the *Hanafi* law and Article 91. Any person may plead in any court, provision of the *Shariah* law to protect his rights. So the statutory laws enacted by the parliament had subsidiary position to the *Shariah* in the day to day administration of Justice in the courts. Two major laws of this period, enacted in the mid 1950s, namely the law of court administration 1956 (*Usulnama-e-idari mahkim*) and the law of civil procedure 1957 (*Usual ijrat-e-Muhakimat*) were aimed at consolidating the *Shariah* and to ensure uniformity in judicial practice concerning trial, appeal procedures, evidence and jurisdiction of the courts. Such speedy efforts for codification of law were made to meet some of the urgent needs of the *Shariah* oriented judiciary, as per the constitutional requirements. While compiling law of the court administration 1956, whole sections of the Ottoman *Majallah* on

⁶ Durrani, A.U.D.P., Darul Qaza Dar Afghanistan: Az awale Aahde Islam Ta Ahde Jamhuriat (Judiciary in Afghanistan: From the early days of Islam till Republican period), Dari, Islamic Research Centre, Kabul, Government Printing Press, Kabul, 1369 *Hijri Shamsi* (1990). P.592.

⁷ Ibid P.27.

⁸ Nighat, M.C., *Constitutional Development in Afghanistan*. M. Phill Thesis, Area Study Centre (Central Asia), University of Peshawar: Peshawar, 1985, P. 93.

various topics were simply translated from the original Arabic Text. For instance Article 125 of the law of court administration – 1956, discussing Iqar (confession) as a means of proof, states that confession and its related subjects shall be determined in accordance with Articles 1572 to 1612 of the *Majallah al-ahkam al-adlia*. It appears that codification of law was made only in the areas of Islamic law where clarification and consolidation was evidently necessary for the courts, *Shariah* being the supreme law of the land.⁹

Emphasis over the *Shariah*, by the Constitution of 1931, could be assessed from the fact that whenever, references were made both to *Shariah* law and statutory rules, the former usually occurred first. For instance, in his oath of office, the king was to pledge before the National Council to swear by Almighty God and the Sacred Quran to rule according to the *Shariah* of Muhammad (Peace be upon him) and the fundamental rules of the country (Article 6). Powers of the king included 'protecting and implementing the *Shariah* and Civil Laws' (Article 7). Private property was to be protected 'according to the *Shariah* and special codes' (Article 15). Similarly no one was to enter a private residence with out an order under *Shariah* Law as the law of the land (Article 16). In its section on the judiciary, all references were made exclusively to the *Shariah*. The courts of justice were thus to adjudicate 'general suits under *Shariah* Law' (Article 87).

They were not to delay adjudication 'of cases except as provided by *Shariah* Law' (Article 92). All punishments prescribed by the *Shariah* were implemented in letter and spirit. Hands of the thieves were amputated as per instructions of the *Shariah*. In early 1940s, the punishment was executed under local anesthesia by Afghan Surgeons.¹⁰

After going through the above Constitutional provisions, Hashm Kamali has concluded that the Constitution of 1931 upheld the classical Islamic doctrine that sovereignty belongs to *Allah* (God). He adds that the absence of an explicit declaration, for sovereignty of Allah, is not of great significance. Even when a Constitution, formally subscribes to the Islamic notion of sovereignty, the question still remains, whether or not it has been translated into material guidelines for law and government.¹¹

Jamiat Ul Ulama (Association of Islamic Scholars)

Jamiat-ul-Ulama (Association of Islamic Scholars) was established at Kabul in 1929, as a consultative body, under the ministry of justice, for implementation of *Shariah* in the country and for establishing contact with Muslim organizations abroad for promoting cause of Islam. Major legal

⁹ Mohammad, K.H., *Law in Afghanistan: A Study of Constitutions, Matrimonial Law, and Judiciary*. E.J. Brill, Leiden; Nether Lands; 1985. P. 40.

¹⁰ Dupree, L., *Afghanistan*. Princeton University Press, Princeton, 1980. P. 468-469.

¹¹ Kamali, 1985, P.27 Op cit. P. 27.

questions were subject to the deliberations of this elite clerical council, appointed by the king to advise him on religious and legal matters.¹² Duties of this council also included publication and translation of religious books, assessment regarding standing of local ulama, issue of a monthly Islamic and literary magazine, maintaining contact with all religious institutions and mosques of the country and preaching of Islam and exploring ways and means for revival of Islam.¹³ Ex-officio members of the Association included head of the Arabic Religious school of Kabul, a representative of the superior court, one representative from lower courts, Eid festival prayer leaders and Khateeb (those entitled to deliver religious sermons) from two mosques of Kabul (Pule Khishti & Shah-e-Do Shamshera).¹⁴ The members of the Association were required to be Afghan Nationals belonging to the tribes of Afghanistan, not involved in un-necessary litigation, pious, highly educated from local or leading international Islamic institutions and known as a leading religious scholar in their area. Twenty members were elected to the association from all provinces and regions of Afghanistan.¹⁵

It is interesting to note that such an important organization of judicio-legal value remained without a permanent Head, during entire period of the 1931 Constitution's remaining in force. Mulla Buzurg remained its 'acting president' for a long period, later Maulvi Saleh Muhammad worked as *Muawin* (Deputy Head) and *Qazi* Abdul Karim as Secretary of the organization.¹⁶ It appears that office of the permanent president of *Jamiat ul Ulama* was deliberately kept vacant, to avoid the Constitutional obligation of consulting this elite body on legislative and judicial matters and likely embarrassment to the Government from conflicting views of the Council.¹⁷

Ministry of Justice

Fazal Umar Mujaddidi was appointed as Justice Minister with Fazal Ahmad Khan Mujaddidi as Deputy Minister of Justice.¹⁸ Justice Ministers of this period were Fazal Umar Mujaddidi (1929-32), Fazal Ahmad Mujaddidi (1932-44), Mir Atta Muhammad Khan (1944-54) and Syed Abdullah (1956 onwards). Deputy Ministers of Justice during this period included Fazal Ahmad Khan Mujaddidi, Amir Ullah Khan, Abdul Karim Haqqani, Mir Syed Qasim Khan and Maulvi Muhammad Qasim Khan.¹⁹ Entire judiciary in the country, including the superior courts, were supervised by the Minister

¹² Newell. 1972 P. 79 Op cit. P. 97.

¹³ Durrani, 1990, P.600.602. Op cit. P. 600 . 602.

¹⁴ Ibid. P. 597.

¹⁵ Ibid. PP. 599- 604.

¹⁶ Kabul Annuals 1929.1963.

¹⁷ Wilber, D., *Afghanistan, Its people, Its Society, Its Culture*. Harf Press, New Haven, Connecticut, USA, 1962. P. 163

¹⁸ Durrani Dari, 1990. Op cit. P. 59.

¹⁹ See Annuals of the period.

of Justice.²⁰ The Minister of Justice was administrative as well as judicial head of the court system.

Ministry of Justice dedicatedly worked for formulating laws, regulations, judicial instructions, codification of laws in various areas and even translating material of Islamic law from original Arabic sources. Such efforts were aimed at providing sufficient guidance to the courts for uniform judicial practice under the *Shariah*. In 1956, Directorate General for compilation of laws' was established in the Ministry of Justice, for consolidation of *Shariah* laws in an organized manner, required for implementation of *Shariah* in the country & guidance of judiciary in particular.²¹ Some leading law instruments compiled by the Ministry of Justice during this period were as under:-

- (i) **Usulnama-e-Idari Mahakem-e-Adliya (Law of Court Administration – 1956)**. This law code of 284 sections was compiled for guidance of the judges on jurisdiction, procedure of the court, rules of jurisprudence, etc. Objective of the law code was to achieve uniform judicial practice, redefining jurisdiction & functions of the three tier court system (Primary, higher & Cassation), earliest possible settlement of the cases, explaining subject matter & time limitation for appeals at various levels,²² under the new judicial system of *Shariah*.
- (ii) **Talimaat nama-e-Tafshish-e-Maslaki**. (Regulations on Professional Investigation). It was compiled to provide instruction to the investigative organs, in a coordinated manner at various levels of the judicial proceedings. This code spread over 71 sections was also aimed at unified judicial practice, under the *Shariah* law at various levels.²³
- (iii) **Talimaat namah-e-Tazkiya-e-Shuhud (Regulations on admissibility of the evidence)**. As evidence has a great role in leading to a right and just decision by a judge, lack of codified law on this subject, usually posed a number of difficulties for the judges. To overcome such problems, Ministry of Justice, compiled law of evidence spread over 39 sections in 1335 *Hijri Shamsi* (1956). These regulations were compiled under instructions of the *Shariah*.²⁴
- (iv) **Talimaat namah-e-Wasaya (Regulations on wills)**. A minor mistake in interpreting will of a person may place life long career and future of people at risk, therefore, it was imperative to compile proper legal instructions on wills & inheritance. To safeguard rights of the minors under *Shariah*, Ministry of Justice compiled comprehensive regulations on the subject, spreading over 71 sections.²⁵

²⁰ Malik, 1985, op cit. P.95.

²¹ Kabul Annual 1335 *Hijri Shamsi*.

²² Ibid P. 142.

²³ Ibid P. 143.

²⁴ Ibid.

²⁵ Ibid P. 144.

- (v.) **Talimaat namah-e-Wakalat-eDawa (Regulations on Defence of Case).** These regulations, were compiled for effective defence of the rights of the citizens in the course of law. It was public welfare measure, to provide facilities of defence to an accused or aggrieved party.²⁶
- (vi) **Talimaat namah-e-Tahrir-e-Wasaiq (Regulations on writing of legal deeds).** These regulations spread over 40 sections were compiled by the Ministry of Justice in 1956-57. Keeping in view importance of legal documents as an evidence/proof under *Shariah* law. These regulations were of great importance in the judicial proceedings. It may however be recalled that, *Usulnama-e-Dawaere Tahrirat* (Law of legal instruments-1933), *Usulnama-e-Mudiriat haey Auraq* (Law of the registration directorates – 1933) formed fundamental law on the subject.²⁷
- (vii) **Usulnamae Nikah-e-Urusi (Law of Marriage – 1934).** The law was compiled to place restrictions on unnecessary expenditure on marriages. It prohibited exhibition of the *trousseau* and *walwar* (bride price). Subsequent Marriage Law (*Usulnama-e-Izdewaj*) of 1949 authorized the government for action, if the parents of bride did not allow her to join her husband, merely for demand of bride price. Denouncing the excessive and non *Shariah* expenditure in marriage ceremonies, the 1949 marriage law also empowered the competent authorities to refer violators of this law to *Shariah* Courts for punishment.²⁸
- (viii) **Usulnama-e-Taine Miade Murafia wa Tamiz wa Daawa-e-Haquq**²⁹ (Law on limitation for Higher & Cassation courts and civil cases – 1945). This law was further elaborated by the regulations enacted in 1956 as *Usul-e-Istema-e-Dawe Wa Taine Miad-e-Murafia wa Tamiz Talabi dar Daawae Haqooq-o-Jazai*.³⁰ (Principles of hearings, limitation for Higher & Cassation Courts in civil and criminal cases).
- (ix) **Usulnama-e-Ijraate Haquqi-e-Mahakem** (Law of civil procedure – 1957). It was consolidation of civil procedure in the light of *Shariah* for uniform judicial practice in the *Shariah* courts.³¹ *Usulnama-e-Mahakem-e-adliya wa Faisala-e-Munaziat* (Law of the courts & settlement of the disputes) was also compiled for the same purpose.
- (x) A number of other *Usulnama* (Regulations) were also compiled for guidance of judiciary in the special jurisdictions of commercial disputes & military cases like the following:-
- Usulnama-e-Haquq-e-Wazaef-e-Askari** (Law of Military duties & rights)
 - Usulnama-e-Jazae Muhakem-e-Askari** (Criminal Law of the Military Courts)

²⁶ Ibid.

²⁷ Durrani, Dari, 1990. Op. cit. P.612.

²⁸ Kamali. 1985, Op. cit. PP-86-87.

²⁹ Mooassassae. Dari, 1968. Op. Cit. P-47.

³⁰ Kabul Annual 1335 Hijri Shamsi.

³¹ Ibid.

- c. Usulnamae Tijarat (Law of Trade)
- d. Muhakem-e-Mamurin-e-Mulki dar Utaq haey Tijart wa Faisalae Munazeat-e-Tijarti (Accountability of Govt Officials in Chambers of commerce & settlement of Commercial disputes)

Judicial Reforms

Besides the hectic efforts of the Justice Ministry, for compiling laws, regulations, instructions, law manuals, to facilitate uniform judicial practice in the country, under the *Hanafi* jurisprudence of *Shariah* as discussed above, a number of other judicial reforms were carried out during this period. Some of these measures were as under:-

- a. **Independence of Judiciary.** Article 89 of the Constitution guarantees freedom of all courts against all kinds of interference. All cases were to be referred to law courts and were to be heard in open except where other wise provided under the *Shariah*. All citizens were at liberty to quote any provision of *Shariah* for defence of their rights in the courts.³²
- b. **Eradication of 'Tribal' Justice** Article 2 of the Constitution declared that all areas and regions of Afghanistan constituted a single royal organ of the state, no distinction would be made in any way between different parts of the kingdom. This provision was made to subject all areas & regions of the country, to the central law of the land, the *Shariah*. It implied abolition of 'tribal territory'³³ having different administrative and legal set-ups. Under article 93 of the Constitution no one was allowed to establish court (tribunal) outside the judiciary for settlement of particular cases. More over, under article 87, all the cases had to be referred to the law courts. These Constitutional provisions were aimed at eradicating the administration of local tribal justice, earlier prevailing in the form of Jirga, adjudication of the cases according to local customs & traditions, known as *Pukhtunwali*. Such Constitutional provisions were meant to put an end to the murderous feuds, an outcome of the tribal code of honour and revenge.³⁴ So the settlement of personal disputes were placed in the exclusive jurisdiction of the law courts. As a further safeguard, articles 25 and 26 of the Constitution protected the people from arbitrary taxation, by providing that fixed revenues and taxes can only be levied according to the rules given in the appropriate codes. It appears that a deliberate, though indirect, attempt was made to use power of the religious establishment for extending the jurisdiction of the king over the tribal leaders.³⁵

³² Articles 87, 90, 91, Afghan Constitution of 1931.

³³ Wilber, 1962. Op Cit. P. 156.

³⁴ Ibid. PP. 158-59.

³⁵ Malik, 1985. Op Cit. P-71.

Concentrating all the judicial powers in the *Shariah* oriented judiciary while keeping right of final appeal with the king, appears to be an unwritten compromise for achievement of this objective. Such a compromise between the religious leaders and the rulers was quite probable at the time of Nadir Shah's coming into power, when the tribal leaders were at the helms of affairs due to civil war in the country. Instead of their effective role in running the day to day business of the government and administration of tribal justice, the tribal chieftains were given privilege of their effective role in the traditional Loya Jirga (Grand Assembly). No new taxes could be imposed or radical changes in the policy effected, without consulting this Grand Assembly. Matters not catered for in the Constitution, like amendment of the Constitution, were also presented before this Assembly.³⁶

- c. **Training of Judges.** *Madrasa-e-Ulume Shariah* (College of Islamic Law) was established at Paghman by the Ministry of Education in 1322 *Hijri Shamsi* (1943-44). It was declared that in future, those qualified from this Institution would be appointed as judges. In 1962, the college was shifted to Bagram, Kabul. Maulvi Abdul Haq Khan was Principal of this college. Later this institution was affiliated with the University of Kabul as *Puhamzai-e-Shariah*³⁷ (Faculty of Islamic Law). Besides teaching of Islamic Law, this college offered a number of other subjects of practical value to the judiciary. These subjects included writing/compiling of the deeds, drafting cases, judgment writing, financial and administrative matters and interpretation and application of rules and regulations to various cases. Course of studies was formulated in such a manner that graduates of the college may be able to efficiently shoulder the responsibility of a judge.³⁸
- d. **Accountability of the Judges.** According to a popular saying "Power corrupts and the absolute power corrupts absolutely". So after concentrating all powers in the judiciary, it was imperative to device a system of 'check and balance' against misuse of the power for corruption by some judges. Prime Ministry used to monitor cases of malpractices by the judiciary. Article 24 of the Constitution provided for redress against any misuse of power by the judiciary, in a form of appeal to the Prime Ministry and the king. Those involved in corruption were also punished. For instance, Mullah Ajab Gul, a co-judge of Kabul municipality was terminated from his office, by the Prime Minister Hashim Khan, for accepting bribe. He was declared unfit for the government service and his mercy appeal was also turned down by the Prime Minister.³⁹

³⁶ Gregorian, 1969. Op Cit. P-305.

³⁷ Durrani. Dari, 190. Op Cit. PP-617-619.

³⁸ Moassassae Tabe Kutub. *Afghanistan Dar Pinjah Sale Aakhir (Afghanistan During Last Fifty Years)*, Dari. Kabul, 1347 *Hijri Shamsi* (1968). P-47.

³⁹ Durani Dari, 1990 Op Cit. P. 617.

Executive Control over the Judiciary

Though sovereignty of Allah (God) and supremacy of the *Shariah* were the main themes of the Constitution of 1931, the state power in the Constitution was quite definitely vested in the person of the monarch, and next to him in the executive branch of the government.⁴⁰ The king was the supreme head of the executive, legislative and judicial branches of the government and of the national army. He had no responsibility and was inviolable. Prime Minister, the chief executive, was appointed by the king, appointment of other cabinet ministers by the Prime Minister was also subject to the approval of the King.⁴¹ The final authority in all the legislative, executive and judicial fields rested with the king.⁴² The king was at liberty to adopt all necessary measures to put down the insurrection and restore the peace in case of emergency, under article 104 of the Constitution.

In a system with entire authority of the king, independence of the judiciary guaranteed under article 89 of the Constitution was merely a matter of political expediency. In fact the judiciary was under complete executive control. Minister of Justice, an executive authority, was both administrative and judicial head of the entire court system.⁴³ Under article 24 of the Constitution, final verdicts of all the courts were subject to appeal to the concerned Minister, the Prime Minister and finally to the king. The king was already inviolable and not answerable to any one, including the judiciary. To keep the judiciary under the executive influence, qualification of judges were not laid down in the Constitution, nor a constitutional procedure was given for impeachment of the judges. Without any laid down procedure obviously their jurisdictions became the 'Royal prerogatives'.⁴⁴ The Constitution of 1923 contained a provision that 'His majesty the king is the servant and protector of the true religion of Islam',⁴⁵ the Constitution of Nadir Shah contained no such formality. He was a king and 'servant' to none. So the judiciary under this period was definitely under the executive influence.

Nadir Shah, a 'slow moving' and 'Shrewd person',⁴⁶ had framed the Constitution of 1931 keeping in view objective realities of the Afghan society and political expediencies of the time. The Constitution, reflective of his political wisdom, remained in force for 34 years, without any fundamental change. The constitution on the one hand, assured blessings of both the powerful religious and tribal leaders to the monarchy, at the stage where it

⁴⁰ Kamali, 1985. Op Cit. P. 26.

⁴¹ Wilber. 1962. Op Cit. PP.159 .160.

⁴² Chishti. 1985. Op. Cit. PP. 70 .71.

⁴³ Abdul Jabbar, S., *Judiciary in Afghanistan*: Central Asia (12, 1983) and (14,1984), Area Study Centre (Central Asia) University of Peshawar) P. 78.

⁴⁴ Malik. 1985. Op Cit. P. 72.

⁴⁵ Chishti. 1985. Op Cit. P. 72.

⁴⁶ Malik. 1985. Op Cit. P. 123.

was precondition for establishment of a government. On the other hand, it established powerful executive machinery for the state, which deliberately weakened the influence of both the religious and tribal classes over the Afghan society. The liberal parliament of 1949, mostly allowed use of press freedom for tarnishing image of the religious establishment. The religious establishment was made target of criticism,⁴⁷ in the form of 'letter to the editor'.

In the decade of Sardar Daud as a Prime Minister (1953-63) more oppressive policies were adopted for strengthening the executive authority by consolidating the strength of the army and the police. To demonstrate 'Confidence gained' by the government against the religious establishment, Prime Minister Daud, foreign minister, other cabinet members, high ranking civil and military officers appeared on reviewing stand of *Jashne Istiqlal* (Independence celebration – 1959) with their unveiled wives and daughters. Females of the elite of Afghan society had exposed their faces for all to see.⁴⁸ It was a clear warning to the religious leaders that Afghan society was modern enough to do without the slogan of *Shariah*, and the support of religious establishment was no longer a political compulsion of the Administration. The campaign against religious establishment continued for the next five years, on various pretexts, including corruption of judges and unnecessary wastage of government funds over the *Mullah* (religious leaders). The '*Shariah*' based Constitution of 1931 was finally scrapped on October 1, 1964.

Conclusion

Nadir Shah effectively used the religious leadership by raising slogan of supremacy of the *Shariah*. After Revolution against Amir Aman Ullah, due to his ambitious modernization efforts, Nadir Shah was supposed to raise slogan of supremacy of the *Shariah*. As a slow moving and shrewd person, Nadir Shah by establishing a powerful administrative machinery of the state, gradually controlled and de-powered the religious establishment. After 34 years of the constitution, people started campaign against the religious establishment. Constitution of 1964, came with modern concepts of separation of powers between executive, judiciary and parliamentary organization, under the control of the monarchy. 'Slow modernization' under constitution of Nadir Shah, for 34 years, gradually evaporated influence of the religious leadership in Afghanistan. The slow and long campaign launched against religious leadership, by the government, was quite fruitful. The religious establishment unable to use '*Shariah*' as an instrument for remaining in 'power', could not stop the modern ideas and concepts brought into field by the constitution of 1964.

⁴⁷ Dupree. *Afghanistan* 1973. Op Cit. (1973 ed.). PP.494, 497.

⁴⁸ Ibid. P. 555.

References

- Dupree, Louis., [1980]: *Afghanistan*, Princeton University Press, New Jersey.
- Durrani, Aziz Ud Din Populzai., [1990]: *Darul Qaza Dar Afghanistan: Az awale Aahde Islam Ta Ahde Jamhuriat (Judiciary in Afghanistan: From the early days of Islam till Republican period)*, Dari, Islamic Research Centre, Kabul, Government Printing Press, Kabul.
- Government of Afghanistan., [1931]: *Constitution of the State of Afghanistan*.
- Gregorian, Vatan., [1969]. *The emergence of Modern Afghanistan: Politics of Reforms and Modernization (1880 – 1946)*, Stanford University Press, California.
- Kabul Annuals 1929.1963.*
- Kamali, Mohammad Hashim., [1985]: *Law in Afghanistan: A Study of Constitutions, Matrimonial Law, and Judiciary*, E.J. Brill, Leiden, Nether Lands.
- Malik, Mohammad Ajmal Khan., [1985]: *Constitutional Development in Afghanistan under Nadir Shah (1929 – 1933)*, M. Phil thesis, Area Study Centre (Central Asia) University of Peshawar, Peshawar.
- Moassassae Tabe Kutub., [1968]: *Afghanistan Dar Pinjah Sale Aakhir (Afghanistan During Last Fifty Years)*; Dari, Kabul.
- Newell, Richards., [1972]: *Politics of Afghanistan*, Cornell University Press, Itchaca and London.
- Wilber, Donald., [1962]: *Afghanistan, Its people, Its Society, Its Culture*, Harf Press, New Haven, Connecticut, USA.

Pakistan - Afghanistan Security Perceptions and Relations

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Abstract

The security relations of Pakistan and Afghanistan have fundamental implications for the 'War against Terrorism'. These relations are based on perceptions of traditional conception of security, which has tied them in adversarial relations. For a change in their security perceptions of each other a change in the understanding of security itself is required. It is argued that their mutual disputes cannot be resolved as long as their ruling elite views security in its traditional State Centric and Territory oriented understanding. Change in their perceptions of security, and policies thus made can only come if there is a fundamental democratic change in the nature of Pakistani State. Change in perceptions can best come through democratic process. In case of persistence of non democratic regimes change is only delayed and when it comes it is abrupt and often violent with unpredictable results.

History, Geography, Sociology and Economics has made the region occupied by Afghanistan and Pakistan so intertwined making the former US special representative, the late Richard Holbrook coin the term Af-Pak. The security situation of Af-Pak has implications for regions beyond them; making others to pursue policies taking this fact in account. Both states have interests tied with each other and so while making security policy take each other into account. Understanding their bilateral security relations and perceptions of each other in their security calculus is vital to peace, stability of the region and the success of 'War against Terrorism'. Their bilateral security relations are fundamental to the successful planned drawdown of International Forces from Afghanistan by end 2014.

This study starts with discussion of the concept of security, followed by identifying the place of one in the Security Calculus of the other and its

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impact on the security situation of the region. The study concludes with attempts to find policy alternates that will change the status of each other in their security calculus from adversarial to cooperative. This study also proposes changes that will make possible policy changes.

Pakistani state continues to with the traditional state centric, territory oriented militarized concept of security. Afghanistan due to its circumstances has a less developed security paradigm, some would say no security paradigm, but one can discern attitudes, situational needs and thus policies based on them to understand its security perceptions. It is argued that if both states understand and incorporate in their policies the newer conceptualizations of Security, their policies towards each other will also change. However, attitudinal changes or changing understandings of concepts and thus policies based on them is not just a question of convincing the decision makers. Such changes can only come through addressing the whole process of decision making that creates and sustains perceptions in the whole or dominant section of the state and society. That requires fundamental and far reaching changes. In democratic States changes of such level come through long continued debates and engagement of alternate opinions. However, in non democratic societies, where alternate opinion is suppressed, changes mostly come abruptly when consequences of continuation become untenable or visible through some catastrophic result.

While the traditional Security concepts place the two neighbors against each other, re-identification of their threat perceptions in the light of re visiting their understanding of security may lead them to view each other as partners not enemies.

The way a situation is perceived goes a long way in choosing responses to it. The system that you are making choices in puts certain limits on you. The realists interpret international system as based on State Sovereignty and territorial exclusivity and anarchic made state behave in a certain manner. In that system security of the territory was the focal point around which all State behavior revolved. It was that particular situation that shaped particular attitudes and perceptions and in turn those perceptions or that social construction of reality shaped that system.

In the post cold war era, a multiplicity of processes, interests, forces and factors has lowered and made penetrable the solid Westphalian wall of Sovereignty around States.¹ While calculating security threats and formulating security policies states cannot ignore these systemic changes. However, these changes must not be exaggerated. The state system has weakened and new entities have started vying with it for public sphere, but have not been totally replaced. The strict division between the so-called 'High Politics' and 'Low Politics' has diminished, creating a new mix with no hierarchy. The object of security from exclusive control of territory

¹ Mathews, J., *Redefining Security*, Foreign Affairs, Vol. 68, No.2, 1989, pp. 163-77.

has changed to the 'responsibility to protect' the people.² This responsibility to protect determines the claim to legitimate sovereignty. State remains the primary but not the exclusive responsible for security of the people. International Community is increasingly accepting its share in the responsibility towards individuals. This changed environment demands change in security policy. Crisis is the logical result, when and where it does not do so. Most of the crises are result of failure to adopt and adapt.

Security

"The Westphalian State Centric International System reinforced by Cold War made Territorial security as the most important and at times the only security and military as the most important means to guarantee it. The Human dimension of security was completely over shadowed by military security. However, with the approach of the end of Cold War, other than military elements of security started getting noticed and with its end the whole concept of Security was re defined."³ The particular understanding of security and the sources of insecurity have a direct bearing on means and methods of achieving security. Who and what is being secured is the most focal point that determines policy. Who and what you want to secure depends on what you consider to be more important. And your consideration of the most important varies according to your perceptions of reality which is always colored by your World view.

The increasing space that human security is occupying at the expense of State security is changing the referral point of security from State and its territory to the individual and the society.⁴ Domestic political concerns or deepening of security, the system and division of power within states determines foreign and security policy much more than earlier acknowledged. State is getting squeezed between the global and the local as they interact more, bypassing the State.⁵ The concerns for Human Rights,

² Badescu, C.G., *Humanitarian Intervention and the Responsibility to Protect: Security and Human Rights*, Taylor & Francis, 2010.

³ Mooni, S. D., *Comprehensive Security: The South Asian Case*, Working Paper Series No. 21, Institute of Defense and Strategic Studies, Singapore, Jan, 2002 p.6. On the re definition of Security read Willy Brandt's report North-South: A Programme for Survival; Report of the Independent Commission on International Development Issues, London 1980; The Palme Commission's report, "Common Security: A Programme for Disarmament"; The Report of the Independent Commission on Disarmament and Security Issues, London, 1982; Ullman, 'Redefining Security', in *International Security*, Vol.8, No.1, 1983; Joseph Nye, "The Contribution of Strategic Studies: Future Challenges," Adelphi Paper 235, IISS London, 1989; and Mohammad Ayoob, *The Third World Security Predicament: State-making, Regional Conflict and International System*, Boulder: Lynne Rienner, 1995.

⁴ Mathews, J., *Redefining Security*, Foreign Affairs, Vol. 68, No.2, 1989, pp. 163-77.

⁵ Buzan, B., *People, States and Fear*, Hamel Hempstead: Wheatsheaf, 1983.

Environmental Protection, freedom from want and disease, street crime and also the new type of war that is the global terrorism which is not limited to one state, or targeting one state has fundamentally altered the understanding of Security and the means required to achieve it.⁶

Taking a social constructivist⁷ and critical theory⁸ view of Security, the dominant perceptions of state elites matter what security is and what policy is appropriate to achieve it. Social constructive approach means policies are made by perceptions of reality; perceptions can change, resulting in different view of the reality, thus policies are prone to change. Historical experiences, Facts of Geography, Culture, Economy and Political System combines to create perceptions of the self and the surroundings. These perceptions help create a class or an elite group that protects those perceptions, developing a vested interest in their conservation along the way. In democratic societies the dominant perceptions are a result of participation of most if not all the various divisions of a society, thus changing in very subtle ways responding to the changing needs and evolution of the socio political order, thus we say policies are 'prone to change'. However, it is argued, prone to change does not mean they always change. What is actually meant, where the forces of status quo are very strong as in undemocratic societies where ruling elite or the establishment is able to resist change can do so and may not change; however, such resistance may only delay change; such delay is not without cost to the States they control and the regions they are in. We note abrupt and sudden changes and collapses of the status quo in such cases. The perceptions of those in control also referred to as establishment or ruling class forms the substance and direction of security discourse in a particular state. This in turn creates and sustains the establishment mind set and the established or dominant perceptions which set the direction and substance of security agenda and priorities. In the post colonial states of third world where modern state arrived from above unlike developed states where it developed from within a number of factors contribute to strong attachment with territorial sovereignty as the center of security. "Third World states are also vulnerable to changes in international norms that guarantee their juridical statehood and territorial integrity. Unlike the states of the industrialized world, many Third World states, which Robert Jackson has called 'quasi-states,' depend upon international norms to preserve their sovereign status. Their sovereignty and integrity are guaranteed primarily by the recognition they receive from the international community rather than by their effectiveness at home. ----- the elites who make and implement domestic and foreign policies in the Third World are preoccupied, if not obsessed, by state and regime security, and they shape their policies

⁶ Newman, E., *Human Security and constructivism*, International Studies Perspectives, (2), 2001, pp. 239-251.

⁷ Wendt, A., *Social Theory of International Politics*. Cambridge University Press. 1999.

⁸ Jones, R. W. (ed.), *Critical Theory and World Politics*, London: Lynne Rienner, 2001.

accordingly."⁹ In Third World mostly made up of postcolonial undemocratic states, where Modern State has arrived from the top, rather than evolved from within, security of state also includes survival of the rulers. Thus security discourse that references from territory and military threats becomes a 'self fulfilling prophecy'¹⁰ creating and furthering 'security dilemma'.¹¹

Barry Buzan developed a framework for analyzing security in regions. His Regional Complex Security Theory (RCST) provides a framework for 'organizing empirical studies of regional security. The theory specifies what to look for at four levels of analysis and how to interrelate these. The four levels are': 1. The domestic vulnerability of the States of the region under study. The specific vulnerability of a state defines the kind of security fears it has at times these have implications for other states of the region, 2. State-to-state relations 3. The region's interaction with neighboring regions, and 4. The role of global powers in the region (the interplay between the global and regional security structures)."¹² Though Buzan does not necessarily has put it in order of significance, the domestic vulnerabilities play a stronger role in the security relations of the states in the Regional Security Complex¹³ (RCS) especially determining the second and third level, however, the fourth level may at times become quite significant.

Pakistan's Security Perceptions and Policy

Pakistan a deeply entrenched post colonial state, with dominant narratives of threat from India and Cold War era helps the sustained dominance of realist arguments couched in religious terminology has become security state. The dominant mindset feeds and feds on the security threat perceptions from India. "The primary reason for military's emergence as the most influential element in defence decision-making lies in its significance in the country's power politics. It assumed the responsibility of guarding the Islamic ideological identity and frontiers of the country. The threat perception from India, viewed as a Hindu power which cannot bear the existence of an Islamic Pakistan, has provided a

⁹ Ayoob, M., *The Third World Security Predicament: State Making, Regional Conflict, and the International System*, Boulder Co: Lynne Rienner, 1995, pp 190 - 191.

¹⁰ Wendt, A., *Anarchy is What States Make of it: The Social Construction of Power Politics*, International Organization 46 (2) 1992.

¹¹ Booth, K., *The Theory of World Security*, Cambridge: Cambridge University Press, 2008, pp 337-392.

¹² Buzan, B., and Wæver, O., *Regions and Powers: The Structure of International Security*, Cambridge: Cambridge University Press, 2003, p. 51.

¹³ *Regional security Complex*: a set of units whose major processes of securitization, desecuritization, or both are so interlinked that their security problems cannot reasonably be analyzed or resolved apart from one another" Barry Buzan and Ole Wæver, *Regions and Powers: The Structure of International Security*, Cambridge: Cambridge University Press, 2003, p. 44.

certain ideological justification to the argument that it is only the military establishment that can provide security to this ideological state. Projection of threat from India is fundamental to the survival of the Pakistani establishment that even views internal insecurity as a continuation of the external threat. Islamabad has always looked at the internal political turmoil as the doing of a 'foreign hand' (insinuating India). It is in this back ground that Army has always kept the Kashmir issue on the hot burner."¹⁴ This sustains the militarized security perceptions and policies whether towards India or through the prism of this India centric security mindset, policy towards Afghanistan.

History of relations with India, its size and the internal vulnerability of Afghanistan due to the continued insurgency there have helped in giving particular shape and content to Pakistan security paradigm. The cold war experience of being on the side of the US also left its imprint.

Afghanistan's Security Perceptions and Policy

Afghanistan on the other side is undergoing a process of modern state construction at a time when the World is going beyond it. The memories of Durand Line¹⁵ as a colonial legacy that had taken away more than half of Pashtuns persist due to absence of any governance (good or bad) and continued insurgency. Due to Pakistan's own security predicament, Pakistan's role in that insurgency feeds Afghan security threat perceptions from Pakistan. This insurgency also sustains the vulnerability and controversial status of Durand Line.

Afghanistan's main security concern is from the threat posed by internal armed insurgency that has mainly non state international backing. Its threat perceptions also take note of the different regional states, vying with each other for a resolution of the Afghan insurgency that suits their interests. The problem is compounded as these interests are mutually contradictory and are calculated in zero sum terms; gain of one is directly translated into loss of another. Thus we see the main contenders to be Pakistan and India, with Iran, Turkey, Saudi Arabia, and Central Asian states all vying for influence.

¹⁴ Ayesha, S., *Pakistan's Arms Procurement and Military Buildup, 1979–1999*; In Search of a Policy, Sang-e-Meel Publications, Lahore, 2003, pp 55–78 at p.56.

¹⁵ Durand Line refers to the Border between Pakistan and Afghanistan. Durand Line was agreed upon as the frontier between British India and Afghanistan in a Treaty in 1893. Sir Mortimer Durand, the Foreign Secretary of British India, drew the line and signed the treaty, thus the term 'Durand Line'. This line has been a bone of contention between Pakistan and Afghanistan since Pakistan's creation in 1947, when Afghanistan claimed the Durand Line Agreement was with Britain and has ended with the end of British rule. For details read, Bijan Omrani The Durand Line: History and Problems of the Afghan-Pakistan Border Asian Affairs Vol. 40.2, 2009.

Amongst all these Afghans perceive Pakistan to be the most intrusive having sympathy towards the insurgents, permitting the use of its territory against it.

Afghanistan in Pakistan's Security Calculus and Policy

Pakistan continues to define security in traditional territorial sovereignty terms and stresses the over arching role of military preparedness as central to its security. It continues to view India as the focus of its security threat perceptions, which it believes must be balanced militarily.¹⁶ Pakistan's Afghan Policy emanates out of its India centric security policy. Pakistan policy towards Afghanistan since the resistance to the Soviet Intervention started has been dictated by mainly two policy goals of a) eliminating any Indian influence in Afghanistan b) resolving the Durand Line issue through a policy of propping up religious alternate to the secular Pakhtun nationalist leadership and narrative. Since the Soviet (and western also) withdrawal from Afghanistan, in order to keep India out of Afghanistan Pakistan policy aims to have a friendly government that guarantees its above mentioned goals.

Pakistan had never enjoyed good neighbourly relations with Afghanistan. The story of Pak-Afghan relations fills the mind of the average Pakistani decision maker with mistrust, to say the least. It must be added quickly that this mistrust was mutual. There have been many ups and downs in Pak-Afghan relations. The relations reached an all time low during the prime minister ship of Sardar Daud in Afghanistan (1953-1963) in 1961, when Afghanistan broke off diplomatic relations with Pakistan and Pakistan imposed a ban on transit facilities to the land locked Afghanistan. The breakdown was brought by Afghanistan's heightened activism in support of Pashtunistan during Sardar Daud tenure. They were resumed in 1963 after the resignation of Sardar Daud. However, to correct the historical record and get a balanced perspective, it must be pointed out, that Afghanistan had remained neutral during all the military conflicts Pakistan had with India [1948, 1965, 1971], which should have set aside Pakistani apprehensions of having to worry about northern frontiers in its conflicts on the southern borders.¹⁷ That did not

¹⁶ Khan, F. H., *Pakistan's Security Perspectives*, Force Magazine, New Delhi, April 2005, <http://www.sassu.org.uk/pdfs/Article%20for%20Force%20magazine%20India.pdf> accessed 01 Aug 2012. Feroz Hasan Khan's essay is an excellent description of Pakistan's India Centric Security Policy from a realist perspective and a Pakistan sympathetic stand point. Also read Hasan-Askari Rizvi, 'Pakistan's Strategic Culture', in *South Asia in 2020: Future Strategic Balances and Alliances*, Michael R. Chambers, ed. Carlisle, Penn.: U.S. Army War College, November 2002

¹⁷ Rasanayagam, A., *Afghanistan A Modern History*, London I. B. Taurin London, 2003, pp. 27-37. For a detailed description of the Pakistani state position on Pashtunistan issue and Pak-Afghan relations read Burke, S. M., and Ziring Lawrence,

happen and Pakistani attitudes towards Afghanistan did not change nor did Pakistani establishment's relations with Pashtun Nationalists and dealings of the ethnic issues change, with serious implications for Pakistan's Afghan Policy specifically and international relations generally.¹⁸

The Pakistani decision makers mindset that believed in a strong centralised state and mistrusted India or anything or anyone having the remotest link with India, could not take the secular, more specifically nationalist Pashtun¹⁹ as an ally. Pakistan's worries in Afghanistan were twofold; An Afghanistan friendly with India would always be a source of threat during Pakistan's conflict with India and the issue of Afghan claims over Pashtun majority territories of Pakistan.²⁰ The nationalist Pashtun in Pakistan is the heir to the Pashtun that was part of Indian National Congress in the pre partition days. The relationship between Afghans, Pakistani Pashtuns and their relations with India fills the Pakistani establishment mind with suspicion.

A recent study²¹ documenting the views of Pakistan's Foreign Policy Elite is a very instructive guide to the mindset that formulates Pakistan's policy towards Afghanistan. Pakistan Foreign Policy elite in a rather supposedly quite subtle manner first argue that USA must not abandon Afghanistan. They are repeating continuously what was said after 9/11, to separate Taliban (good Taliban/ Pashtuns understood as Taliban) and Al Qaeda. The Americans are being offered the ouster of Al Qaeda from Afghanistan in return for a major say/control in Afghanistan through its demands for a friendly government/ broader government/ representative of all ethnic groups/ representing good Taliban etc and from the ideal of total

Pakistan's Foreign Policy; An Historical Analysis, Oxford University Press, Karachi, 1973, pp. 68-90. For an alternative view read D. G Tendulkar, Abdul Ghaffar Khan; Faith is a Battle, Popular Prakashan Press, Bombay, 1967. pp. 451-53.

¹⁸ Greer, F., *Pakistan Afghanistan Relations in the Post 9/11 Era*, Carnegie Papers, No. 72, 2006.

¹⁹ Secular Pashtuns till the emergence of PPP in NWFP during the 1970s, meant Nationalist followers of Abdul Wali Khan, son and political heir of Khan Abdul Ghaffar Khan. Currently they are in the fold of Awami National Party (ANP) led by Asfanyar Wali Khan. ANP has formed government in Khyber Pakhtunkhwa with support of PPP. There are some other minor groups or individuals outside the fold of ANP as well as Pakhtunkhwa Milli Awami Party (PMAP), which is mainly based among the Pakhtuns of Balochistan.

²⁰ Barnett, R. Rubin., *Fragmentation of Afghanistan: State Formation and Collapse in the International System*, Yale University Press, New Haven, 1995. pp 63-84.

²¹ *Pakistan, the United States and the End Game in Afghanistan: Perceptions of Pakistan's Foreign Policy Elite*, 'Strategic Security Brief' Jinnah Institute, Islamabad. <http://www.jinnah-institute.org/images/jiusipbrief.pdf> July 2011, Accessed on 20 July 2012.

ouster of India from Afghanistan to limiting it to economic development only.

They also want the right to monitor all Indian activities in Afghanistan and be informed of it. This elite now avoids rather criticizes the use of the term 'Strategic Depth'. However, they continue to equate Taliban with Pashtuns, something evident from the argument that Taliban must be given representation in an Afghan arrangement to avoid negative reaction from Pashtuns on this side of the Durand Line. They also want a say in the size of Afghan Army.

Pakistani establishment's evolution with a strong sense of security threat perceptions emanating from India, with the historical experience of partition and pre partition politics²², its centrist post colonial state structure, resulted in a perception that India must be countered and a unitary identity is a must for survival, Civilians do not understand, are corrupt and inefficient to a level of not being true patriots. Very soon it also learned that religion can be a useful tool of policy, both against domestic democratic dissent and more importantly Foreign / Security Policy. That lesson had been learnt before Afghanistan and before Zia Ul Haq. Quick examples are Al Badar and Al Shams in the then East Pakistan²³ (1971–against Bengali Nationalists) and hosting of most of the Afghan Muhahideen leaders since 1973–4. During Zia Ul Haq's period these religious forces/ extremists graduated from tools of policy to partners in policy making.

The Soviet intervention, resistance to it, and US/Western and Saudi support to it provided Pakistani State with an opportunity and capability to influence the situation in line with its security perceptions. Pakistan's policy has a certain level of continuity that can be discerned throughout its history. This space is too limited to deal comprehensively with that, so it will only do a summary of this continuity since 1978 – 79. Pakistani policy makers have made adequate tactical and semantic changes and adaptations according to changing regional and international environment; however, a fundamental continuity is clearly visible.

During the decade of Soviet intervention in Afghanistan, Pakistan clearly supported groups and channelized all international aid to the resistance to religious groups, ignoring non religious nationalist / secular resistance groups. Even among the religious groups Pakistani establishment made choices. The religious groups were preferred for both the above mentioned considerations.

During the early 1990s, Pakistan continued with the same policy objectives. Pakistan felt more confident as it was left unchecked by the west / US to pursue its goals through the influence it had gained in Afghanistan in

²² Ayesha, J., *The State of Martial Rule: The Origins of Pakistan's Economy of Defence*, Vanguard, Lahore, 1991, pp. 25–48.

²³ Niazi, A.A.K., *The Betrayal of East Pakistan*, Karachi, Oxford University Press, Karachi, 1998, pp. 78–79.

the 1980s. First it tried to install Gulbadin Hekmatyar in Afghanistan. But when that failed, it banked on the Taliban in second half of 1990s. The purpose remained the same, deny Indian influence in Afghanistan and undermine secular Pashtun National movement on both sides of the Durand Line. Taliban being 'traditional Sunni Muslims' were expected to stop Iranian influence, as well as have no truck with Pan Islamists (or Political Islamists). The last two points made them acceptable to Americans as well.

Pakistan after 9/11 adjusted its semantics and policy tactics in Afghanistan to the new realities though the broader policy remained the same. Pakistani state continued to argue for a broad based government in Afghanistan with emphasizing the representation of Good Taliban and/ or Pashtun representation. Pakistani commentators also started decrying the increased influence of India. A number of Pakistan's 'Foreign Policy Elite' started repeatedly saying a few things; Indian Consulates (the number they quoted was staggering and false) in Afghanistan are involved in Anti Pakistan activities, Karzai as a 'Mayor of Kabul', US is about to leave Afghanistan, Karzai government is actually the government of non Pashtuns, Action against Taliban in Afghanistan has alienated and turned Pashtuns on this side of the Durand Line against Pakistan etc. etc. Pakistan still wants to dictate the terms for a settlement in Afghanistan. A subtle change can be detected as the deadline for US withdrawal from combat in Afghanistan nears. Pakistan wants US to ensure a peace settlement before 2014 planned US/NATO drawdown. This policy is the logical outcome of statist, territorial perceptions of security from a traditional realist interpretation of the situation.

Pakistan in Afghan Security Calculus

Afghanistan views Pakistan as a State that is undermining its sovereignty by interfering in its ongoing insurgency. Afghan perceives Pakistan to have a hegemonic policy towards it. It considers Pakistan had made it clear through actions, statements and various diplomatic and non diplomatic, both covert and overt means that it wants to dictate Afghanistan's relations with other States, especially India. For that end, Pakistan wants to influence the makeup of Afghan government. It is for this reason that, Pakistan is supporting or tolerating Taliban or other groups trying to change the government in Afghanistan. In short, the above presented Pakistan's policy towards Afghanistan is considered as against its sovereignty and independence. Pakistan's avowed position that it wants a friendly government in Afghanistan rather than a friendship with the state of Afghanistan is considered a very clear evidence of Pakistan's hegemonic policy.

Afghan memory is also filled with a mistrust of Pakistan against which it had territorial claims. Afghanistan border with Pakistan was marked by the

British in 1894, known as Durand Line, after the Englishman Sir Motimer Durand who demarcated it. The Afghans raised the issue of Durand Line on the eve of British departure from the Sub Continent. They claimed that as the agreement was with the British and they are leaving, so they must return the territory it took as a result of the Durand Line Agreement. It became the only country that objected to Pakistan's UN membership in 1947, demanding that unless the issue of Durand Line is resolved Pakistan cannot be recognized as a State with the territory that it had inherited from Britain. Afghanistan has retained that claim to date. No government, even Taliban, the closest any Afghan government had ever been to Pakistan, accepted the legality of the Durand Line.

Afghanistan is a landlocked state. Perceiving the World in traditional Westphalian system based on territorial sovereignty, it considers access to International Waters as a vital element of its security. These considerations augment the political / historical and ethno linguistic arguments for claim on Pakistani territory. These relations have been made more complex by certain facts of history; the Pashtun ethno linguistic nationalist movement of Pakistan was historically connected with Indian National Congress. The Afghan espousing of Pashtun concerns within Pakistan has made Pashtun cause and its supporters of suspect loyalty to the post colonial centrist State of Pakistan. The Durand Line issue, along with Afghanistan's Non Aligned Policy during the cold War, and Pakistan's becoming part of the western alliance system in the 1950s made Afghanistan drift closer to India and USSR.

Pakistan, with US agreement and support, considered religious opponents of Soviet intervention as its best bet in Afghanistan. Pakistan's support for Mujahideen in the 1980s and much more, its current perceptions of and policies with Afghan Taliban has added to the perception in Afghanistan of Pakistan's hegemonic designs towards it. These perceptions have pushed Afghanistan closer towards India. The closer relations between USA and India in the post cold war era, the contradictions in Pakistan and US perceptions of Peace in Afghanistan, as well as other regional issues like Iran and Syria and also on Pakistan's Nuclear Program, is gradually making USA part of an emerging Afghanistan, India and US grouping. Its mainly Pakistan's location and Cold War era relations (probably to a lesser extent) that slows down this new alignment.

In Afghan security perceptions, Pakistan has become the main source of instability. Afghans, for whom today the foremost challenge is end to the Taliban insurgency, perceives Pakistan is backing them or at least is not denying/permitting the use of its territory by Afghan insurgents. It believes by providing/tolerating sanctuaries of Afghan Taliban, as well as being a route for Taliban's international support whether emanating from Pakistan itself or elsewhere, Pakistan is playing a key role in destabilizing Afghanistan.

Moving towards Change in Security Perceptions, Definition and Policy

The inability of Afghanistan and Pakistan to adopt and adapt to the changing International Relations is the key to the continuous crisis in their bilateral relations. In accordance with statist, thought that dominates the policy makers mind set which perceives every neighbor as a potential threat; conflict taken as the normal situation. Military, weapons and spies are considered the best and most vital tools of security. People security is considered at best a concept that is appropriate for NGOs. Anyway, People can only be secure if the State is secure. In short, this conceptual mind interprets the facts of geography and relations. Most studies and arguments revolve around mostly irreconcilable historical, legal and political claims and counter claims over territory.

Afghan claims over territory under Pakistan sovereign control, Pakistan claims over Kashmir and Afghanistan relations with India all work to limit the scope of solution in an atmosphere as perceived by security policies made by the statist mind. In a State Centric International System, most conflicts historically have been resolved through the total victory of one side. The two World Wars and the Cold War ended in collapse of one side. Does this mean that is the only way conflict can end. This may be true of a state centric anarchic International System as explained by the Realist paradigm. In such system, total peace cannot be achieved, however relative avoidance of use of arms is possible through a balance of power, if one party cannot be totally defeated. However, there have been instances where states have outgrown from their conflicting claims, rather than their resolution one way or the other. Time and changes in international / regional governance have led to states out growing from a number of territorial disputes that had been the cause of many armed conflicts. The evolution of European Union has overtaken various territorial and ethno linguistic claims and conflicts.

Territory continues to be a vital element of State, however, disputes over them, whatever their historical / legal legitimacy may be are consequence of an international system that depended and stressed on territorial exclusiveness and separateness and insisted on absolute loyalty of the people to the territory. The end of Cold War has unleashed forces and processes that were leaking out even during the hey day of Cold War. These forces and processes have undermined the strict division of people on the basis of citizenship, nationality or sovereign territory. The post cold war international system has also undermined the sanctity of International Borders as witnessed by the creation of many new states on the Sovereign Territory of various states and the increased and relatively easier flow of capital, people, ideas, movements and internationalization of production.

This process has also resulted in decrease in urge to secede when coupled with certain policies and changes in governance, thus while giving

increased international recognition to people over territory it has reduced the significance of holding territory, which means also a decrease in the urge to acquire territory or secede. The Germans of Bozen/Bolzano continue to be as Germans as they always were, but the urge to secede and return to German State has also been decreased by the lowering of the Sovereignty wall that separated them from their fellow Germans. An important element of that is the Italian policy of accepting the diversity and very important the capability of Italian state to economically handle the economic cost of that diversity. There can be a lesson for Pakistan and Afghanistan in that too.

Interests continue to drive state and human behavior. Pakistan and Afghanistan needs to pursue security policies that create interests in peace and stability. They have to give priority to the security of their people equal to if not more than the security of the territory. Currently policies seems to be considering the economic meltdown, and the domestic law and order situation, that can be directly connected to their security policies, of least concern. Some may say these are considered acceptable price of territorial security. Their budgets must reflect the change in priorities. Currently budgets show the low priority given to the people.²⁴ Pakistan's economic crunch has not affected its military spending in any manner, thus transferring the entire burden to the people. Health, Education, Environment, Civilian infrastructure receive the minimum of budgetary allocation. Pakistani decision makers have to understand these domestic and non-military threats to the State including its territory are more serious than India may be posing.

Adjustment of State policies to conform to the increased people to people interaction through broader globalization, from which these two cannot escape, and also due to the experiences of the history, both recent (since 1980s) and much earlier can go a long way in correcting the security situation. Policies of open or very loose borders will lead to securer borders than closed or hard to cross borders. Although, the Pakistan Afghanistan border is extremely porous for illegal crossing, but legally the situation is totally the opposite. Both need to legalize the fact of their loose borders.

Desiring friendship with your neighbors is one thing and influencing through covert or overt demands that the neighboring government must be of your choice is another. Pakistan's wish to have a say in the size of Afghan Army or demand to monitor its relations with India is simply not compatible

²⁴ Mahbub ul Haq., *A Charter for Change: Security without starving*, an undated publication.
<http://www.mhfdc.org/Dr%20haq%20reports/Security%20without%20Starving.pdf>
 accessed 25 / 07 / 2012. The author who remained Pakistan's Finance Minister, a vice President of World Bank and is the author of 'Indicators, very succinctly puts the converse relation between territorial security and peoples security in the case of Pakistan if one removes his very obvious Pakistani bias, he argues for the futility of security policy that gives priority to military preparedness over people's basic needs and survival.

with new International Relations. Having such aims as part of security policy belongs to the State Centric Territorial based security power politic mind, no more relevant to interpretation of current International Relations. Pakistan rather than demanding Afghanistan's relations with other states to be determined by it, must follow policies leading to mutual interdependence and trust to a level that increases its space in Afghanistan.

Pakistan's security relations with India are an important factor in Pakistan's security policy towards Afghanistan. The security concerns of Pakistan will always be there when it sees India and Afghanistan getting closer. They will always be justified by the realist state centric assessment. Unless that view of interstate relations changes Pakistan's security policy towards Afghanistan will not change. In the loose / easy borders arrangements between Afghanistan and Pakistan, India has to be included, if one is to find a viable way forward. For if it excludes India, then India will not accept it and so the tug of war between India and Pakistan will continue impacting Pakistan's security relations with Afghanistan.

Afghanistan had traditionally followed a Non Aligned Foreign Policy as means to maintain its independence. Non Alignment for Afghanistan meant keeping everyone out and can be termed isolationism, which worked for a very long time.²⁵ However, during the past three decades this policy collapsed and Afghanistan became almost an ungoverned space where everyone from different parts of the World can come and fight their 'Wars' – a Global Battleground. Afghanistan cannot return to the original Non Alignment meaning isolation, so, it needs to follow a policy of engagement as a new form of its traditional Non Alignment – become a meeting point for outsiders. Afghanistan must start with internal cohesion first - minimizing space for external interference whether it comes from Pakistan or elsewhere.

Both sides must understand the World has moved ahead and Military means, spies and politics is no more dominant themes of International Society. Power, Politics and Military (including covert and non covert means) are not the only or even the most dominant instrument of Foreign Policy. Security includes Economics and other parts of Human Life as well. Both needs to start promoting Economic Relations, More People to People Contact in different fields, use non formal innovative diplomatic means alongside the formal traditional ones. With an approach that aims at creating a positive image the large number of Afghans in Pakistan can become Pakistan's asset. Both must let the logic of Geography, Economics and People interaction determine Politics and Security and not vice versa.

²⁵ Zubeida. H.. *The Foreian Policy of Afghanistan*, Pakistan Horizon, Vol. 17, No. 1, First Quarter, 1964. P.P 48-57

Conclusions

This study consciously avoids using the term resolution of disputes between the two (or three). It suggests growing out of the disputes. By lowering the sovereign territorial divisions the claims on territory will lose its sting. With time these claims will just be part of very formal routine public statements or may be cricket matches.

But the million dollar question is will the decision makers change their perceptions as result of reading some academic arguments or demands from some peace activists? Men make their own history, but they do not make it just as they please; they do not make it under circumstances chosen by them, but under circumstances directly encountered, given and transmitted from the past. The tradition of all the dead generations weighs like a nightmare on the brain of the living.²⁶ Environment may permit and provide conditions for some action to achieve something. To act accordingly will however depend on the potential actor's capabilities, motivation and priorities or perceptions of what needs to be achieved at what cost. That in turn will depend on the personality of the entity in question.²⁷ Therefore, to change perceptions, the personality of Pakistan and Afghanistan has to change. Ayub argues, "The problem for most Third World states has been compounded by two further factors. The first is the weakness of civil society and of political institutions, which precludes the emergence of strong checks on the security apparatus' proclivity to usurp state power and resources. Second, the telescoping of the phases of the state building into one phase, and the curtailment of the time available to complete the process, enhance the political importance of the coercive functions and of the agencies that perform these functions."²⁸ Decision making system in both Pakistan and Afghanistan have to undergo a fundamental change for their understandings of security and the state system to change leading to change in their security policies. Decision makers undergo change only when they see the full destruction of the policies they pursue. They keep clinging till the last straw is available or revert whenever they perceive a chance exists or has arisen. Mindsets and strategic cultures are not changed through academic papers or arguments. The alternative to changing strategic culture through total collapse with unpredictable results is through a fundamental change in the decision-making system, which means the sources of inputs in decisions must undergo a fundamental change through strengthening of the democratic system of governance. The crumbling of various Middle East regimes,

²⁶ Marx, K., *The Eighteenth Brumaire of Louis Bonaparte*, in *Karl Marx and Frederick Engels, Selected Works* London: Lawrence and Wishart, 1991, p. 92.

²⁷ Wendt, A., *Anarchy is What States Make of it*, International Organization, Vol. 46, No. 2, Spring, 1992 p.398.

²⁸ Ayooob, M., *The Third World Security Predicament: State Making, Regional Conflict, and the International System*, Boulder, CO: Lynne Rienner, 1995, p 192.

having secular trappings but undemocratic is one outcome of situations where regimes are resistant to change and evolution. Without going into the 'Democratic Peace' debate, the case for democratic governance for peaceful security relations and an RSC defined by cooperation rather than enmity is made due to it being the only system which guarantees and provides for a plurality of inputs in decision making and a continuous system of assessment and re assessment of policy. Democracy provides for evolutionary change and adaptation rather than fixation and abrupt changes. This change has to start in Pakistan as Afghanistan is undergoing a State (re)construction and a changed Pakistan can dilute and help gradually change the Afghan State memory of an adversary Pakistan. A democratic Pakistan, whose structure reflects its ethno linguistic and cultural diversity and where people control policy making can be the harbinger of such change in the region.

This study considers the transformation of security relations from enmity to cooperation will be a long process. The ability of terrorists from outside the region to find space in the Af Pak region and the involvement of elements from within in local, regional and global terrorism is intertwined with the security relations of the region. Traditional diplomatic processes along with new methods and use of force will continue for a while as these are required for containing the violence but cannot eliminate it. Continued engagement of global powers with the region's security is vital for the protection of weak and vulnerable democratic state systems as currently they are in danger of collapsing into violent mayhem, creating a security nightmare for global peace and security. It is from within these states that the road to regional peace stability and denial of its use by external non state actors starts. It must be emphasized that mostly the internal weaknesses and incomplete process of state building that finds its way in interstate conflict.²⁹

Bibliography

- Ayesha, Jalal., [1991]: *The State of Martial Rule: The Origins of Pakistan's Economy of Defence*, Vanguard: Lahore, pp. 25–48.
- Ayesha, Sadiqua., [2003]: *Pakistan's Arms Procurement and Military Buildup, 1979–1999: In Search of a Policy*, Lahore: Sang-e-Meel Publications, pp 55–78 at p.56.
- Ayoob, Mohammed., [1995]: *The Third World Security Predicament: State Making, Regional Conflict, and the International System*, Boulder Co: Lynne Rienner, pp 190 - 191.
- Badescu, Cristina G., [2010]: *Humanitarian Intervention and the Responsibility to Protect: Security and Human Rights*, Taylor & Francis.
- Barry, Buzan., [1983]: *People, States and Fear*, Hamel Hempstead: Wheatsheaf.

²⁹ Ibid p.47.

- Booth, Ken., [2008]: *The Theory of World Security*, Cambridge: Cambridge University Press, pp 337–392,
- Burke, S. M., and Ziring Lawrence [1973]: *Pakistan's Foreign Policy; An Historical Analysis*, Oxford University Press, Karachi, pp. 68-90.
- Buzan, Barry and Ole Wæver [2003]: *Regions and Powers: The Structure of International Security*, Cambridge: Cambridge University Press.
- Grere, Frederic., [2006]: *Pakistan Afghanistan Relations in the Post 9/11 Era*, Carnegie Papers, No. 72.
- Jones, R. W. (ed.), [2001]: *Critical Theory and World Politics*, London: Lynne Reinner.
- Khan, Feroz Hasan., [2005]: *Pakistan's Security Perspectives*, *Force Magazine*, New Delhi.
- Mahbub ul Haq, A Charter for Change: Security without starving, an undated publication.
- Marx, Karl., [1991]: *The Eighteenth Brumaire of Louis Bonaparte* in *Karl Marx and Frederick Engels, Selected Works* London: Lawrence and Wishart, p. 92.
- Mathews, Jessica., [1989]: *Redefining Security*, *Foreign Affairs*, Vol. 68, No.2, pp. 163-77.
- Mooni, S. D., [2002]: *Comprehensive Security: The South Asian Case*, Working Paper Series No. 21, Institute of Defense and Strategic Studies, Singapore, p.6.
- Newman, Edward., [2001]: *Human Security and constructivism*, *International Studies Perspectives*, (2), pp. 239-251.
- Niazi. A.A.K., [1998]: *The Betrayal of East Pakistan*, Karachi: Oxford University Press, pp. 78–79.
- Omrani, Bijan., [2009]: *The Durand Line: History and Problems of the Afghan-Pakistan Border*: *Asian Affairs* Vol. 40.2.
- Rasanayagam, Angelo., [2003]: *Afghanistan: A Modern History*, London: I. B. Tauris, pp. 27-37.
- Rubin., Barnett R., [1995]: *Fragmentation of Afghanistan: State Formation and Collapse in the International System*, Yale University Press, New Haven, pp 63-84.
- Tendulkar, D. G and Khan, Abdul Ghaffar [1967]: *Faith is a Battle*, Popular Prakashan Press: Bombay, pp. 451–53.
- Wendt, Alexaander., [1999]: *Social Theory of International Politics*, Cambridge: Cambridge University Press.
- Wendt, Alexander., [1992]: *Anarchy is What States Make of it*, *International Organization*, Vol. 46, No. 2, p.398.
- Zubeida Hasan., [1964]: *The Foreign Policy of Afghanistan*, *Pakistan Horizon*, Vol. 17, No. 1, First Quarter, pp 48-57.

Role of Peace Education in Restoration of Community Confidence in Terrorism Affected Areas of Pakistan: Case of District Swat, Khyber Pakhtunkhwa Province

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Abstract

This study examined peace education initiatives in Swat to restore confidence of the communities in the wake of terrorist violence. The terror plot destructed many schools, especially banned girl's education, in the area. This situation rendered the communities of Swat helpless to provide education to their children in an environment of terror, volatility and insecurity. Many innocent children and their parents suffered psychological and socially. Still the danger is looming large. To grapple with the situation, various national and international philanthropic organizations in collaboration with the government of Pakistan started community sensitization programmes in order to restore peace and development in the area. Findings of this study revealed that peace education initiatives in Swat have led to restoration of peace in Swat. Students have started going to schools have slowly come out of the psychological stress and strain. Parents now confidently are sending their children to schools. School-home communication has strengthened. Parents also coordinate with teachers to ward off any untoward future situation.

Keywords: Peace Education, Community Confidence, Terrorism, Restoration of Peace

Background the Study

Education is the primary source to shape the attitudes of individuals. It equips the people with significant knowledge and skills to effectively handle and grapple with various challenges of life. There are many cost effective

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methods and approaches to empower people with knowledge, skills and resources to promote peace and development.¹ Education enables people to resolve problems and conflicts by generating conditions that engender peace and development. Education is a source of peace and progress, because it promotes harmony and tranquillity. The role of education in development of peace is an undisputable fact. It brings about a positive change in the attitudes and behaviours of people.² Peace and progress are the ultimate results of effective education. Individuals get awareness about their roles and responsibilities through education and training. They find mutually interactive opportunities of learning new behaviours and acquiring new knowledge. This helps them to co-exist peacefully with others and to work for sustainable peace and development of their societies. Integration of peace education in the classroom curriculum and school activities is the best way to achieve this goal.³

Schools are learning communities where future citizens are trained, educated and prepared. Another way is to train the teachers and other volunteers as educators to promote the causes of peace and development. Teachers may perform this through their teaching practices in schools. This provides an evolutionary foundation to integrate the concept of peace versus conflict among the young generations. For this purpose the role of teacher educators is very crucial, because they create awareness among the communities about the importance of peace and development.⁴

Swat, a tourist hub of Pakistan came under the fire of terrorist attacks a couple of years ago. This unexpected catastrophic development completely changed the socio-economic and geo-political position of the district and its adjacent areas. In the aftermath of the situation, the condition of education became maimed. More than three hundred girls' schools were turned into graveyards and deserts. Social life of the people of the area came to stand still. Children and adult equally suffered psychologically and socially. The result was psychosocial terror phobia prevailing among the school children. This condition broke down the confidence of the people of the area. Consequently, school children were stopped from going to schools and business activities closed down due to fear of abduction, killing, and bomb and blast.

To restore the shattered confidence of the communities, many awareness programmes were launched by public and private agencies. To achieve this goal training programmes were designed and implemented. For this purpose

¹ Toh, S.H., *Education for International Understanding toward a Culture of Peace: A Conceptual Framework*. Teachers Resource Book. Seoul: South Korea. Asia Pacific Center of Education for International Understanding, 2004.

² Montessori, M., *Education and Peace*. Oxford, England: CLIO, 1949.

³ Jenkins, T., International Institute on peace Education: Twenty-six Years Modelling on Critical Participatory Peace Pedagogy. *Journal of Peace Education and Social Justice*, 2008, Vol. 2 (2), 144-150

⁴ Kant, I., *Perpetual Peace: A Philosophical Sketch*, New York: Cosimo, Inc, 2005.

school teachers and students in different areas were intensively trained to deal with unexpected emergencies, to work closely with schools and to protect and guide children to grow socially and gain confidence.

To carry out these trainings programmes as mentioned above, financial and technical support were provided by PEAD Foundation and United States Institute of Peace (USIP) under the project known as Pakistan Centre for Excellence (PACE). The programmes having various durations such as two weeks, one month and three days were aimed at presenting the role of teachers as change agents, promotion of non-violence and positive changes in the behaviour of the community towards peace, education and development in Swat. The trainings sensitized the teachers, students and community members about the importance of peace and to promote a culture of tolerance, non-violence and harmony.

These training programmes were implemented in 44 government middle and secondary schools where teachers and students were trained through interactive sessions in order to promote critical thinking skills of students and teachers. The training sessions of the aforesaid training programmes were characterized by activity based approach through which the participants (teachers and students) were involved in the sessions through discussions, presenting and accepting difference of views, presentations, role plays and conflict handling demonstrations.

This training provided wider interactive opportunities to teachers and students to understand the importance of peace and education in the area. In order to maintain the peace education initiatives in future, Peaceful Schools Guidebooks (PSGs) were prepared and distributed in different parts of Pakistan like Sindh, Swat and Tribal Areas to be provided to the communities as a first-hand knowledge about the concept and importance of education for peace.

The immediate effects of the peace education are prominently evident from the facts that in many places of the district, schools have been reconstructed, teaching and learning process in schools has been restored, parental attitude has changed positively towards schools, and students' own behaviours have improved about schooling. The children and parents and other community people are coming out of the terror phobia slowly. This is a positive development which could be taken into future by instilling into the minds of the parents and communities strong sense of personal and collective commitment and unity of purpose. This will contribute towards encouragement of parents and communities for nonviolent conflict resolution and peaceful society in the long run.

Peace Education

Peace education aims to resist and confront violence and terror to transform a society from state of disturbance to a state of peace and harmony. The main focus of peace education is restoration of peace and

development through educational means.⁵Peace education is an evolutionary step towards changing people's perception and behaviours to nurture a culture of peace. Peace educators transform the minds of people which ultimately culminate in changing of knowledge, values, skills and behaviours. This process of transformation is essential to provide a firm foundation to the terror or violence affected cultures and societies.⁶Pakistan being a terror affected country is facing enormous challenges of peace and development. Many areas of Pakistan have been grossly affected by the recent terrorist attacks and violence. Swat, a district in Khyber Pakhtunkhwa province received heavy and colossal loss both materially and humanly. This situation rendered children and adult both psychologically depressed, socially disintegrated, economically shattered and morally discouraged. In the wake of the terrorist waves of violence and disturbance, many peace restoration and reconstruction efforts were undertaken to bring the abnormal situation back to normalcy. For this purpose, peace education initiatives were started to enable the people restore their confidence and courage to live peacefully. Teachers and volunteers' teams were constituted to educate people and to guide them to help restore their shattered confidence and remove fear from their minds. Under these activities many parental and community workshops were conducted in many places of the district in which parents, community members and children participated equally.

The basic purpose of these training and educational endeavours were to restore the confidence of the communities and to enable them to re-continue their lives peacefully. This was a gigantic task and it still continues with more strong social and political support. This study therefore aims to explore the concept and importance of peace education in the teaching community.

Literature Review

Peace education is not a new phenomenon. It has existed in human history in one form or another since antiquity. Its roots can be found in the classical Greek period as well. Plato and Aristotle have also emphasised on the importance of peace and development in their theories. It is also attributed to Maria Montessori, John Dewey and even Erasmus. They all worked for peace and development through their ideas and theories.⁷Peace education is a problem solving practice. It is an attempt to build peace and tranquillity through educational means by promoting universal values. The basic aim of peace education is to enable the violence affected people to share exercises, to own peace, to avoid terror and to work together to realize a shared and peaceful future for humanity irrespective of cast, colour and

⁵ Reardon, B., *Education for Culture of Peace in a Gender Perspective*. Paris: UNESCO, 2001.

⁶ Harris, I., *Peace Education Theory*. *Journal of Peace Education*, 2004 Vol.1 (1), 10-13.

⁷ Harris, I., & Morrison, M.L. *Peace Education*. 2003, 2nd ed. Jefferson, NC: England.

creed on the planet earth.⁸ The Peace education means educating the people about the importance of peace and its benefits. It is the process of transforming the thinking of people positively and shaping their behaviours by providing them with knowledge, values, and skills. Peace education also means training the people to resolve their conflicts, interpersonal disputes through dialogue, negotiations and mediations.⁹

According to Jenkins (2008)¹⁰ peace education is a method to alter beliefs, attitudes and behaviours of people from negative to positive attitudes so that conflict is resolved and violence is prevented. Thus it is used as a basis for prevention of violence and resolution of conflicts. Oslo Institute of International Peace and Research (PRIO) writes that peace education is promotion of knowledge, skills, attitudes and values to bring about positive behavioural changes in order to enable children, adult and youth to avoid conflict and violence and to develop sense of care, love and respect for each other on earth as global citizens. Kester¹¹ (2007) elaborates that the content of peace education includes knowledge about peace movement, peacemakers, direct and indirect violence, peace as an active process, nurturing culture of peace, human rights and responsibilities, worldviews and ideologies, nonviolent communication, community and dialogue. The method of peace is collaborative, cooperative, participatory and active. The structure of the teaching learning process in peace education includes storytelling, case studies, role plays, empathy activities, negotiations, discussions, mediation practice, journaling, reflection circles and alternative future exercises.

In view of Danesh and Danesh¹² the main purpose of peace education is to transform the minds of people from conflict to peace through dialogue and non-violence means. The second objective of peace education is to transform the beliefs of general public especially youth about peace across generations. Hence, peace education is the attainment of knowledge, acquisition of values and developing skills, attitudes, and behaviours about living in harmony and peace with others and with others in the society. It is also an ability of co-existence with all living creatures in the ultimate natural environment. Kester¹³ in one his paper writes that the importance of peace

⁸ Johnson, D.W., & Johnson, R.T. Peace Education for Consensual Peace: The Essential Role of Conflict Resolution. *Journal of Peace Education*, 2006, Vol. 3 (2) pp. 120-134.

⁹ Kester, Developing Peace Education Programmes: Beyond Ethnocentrism and Violence. *Journal of South Asian Peace Building*, 2008, Vol. 1 (1) pp. 31-41.

¹⁰ Jenkins, T., International Institute on peace Education: Twenty-six Years Modelling on Critical Participatory Peace Pedagogy. *Journal of Peace Education and Social Justice*, 2008, Vol. 2 (2), 144-150.

¹¹ Kester, K., Peace Education: Experience and Storytelling as Living Education. *Peace and Conflict Review*, 2007, Vol. 2 (2) pp. 23-34.

¹² Danesh, H.B., & Danesh, R.P. Conflict-Free Conflict Resolution. Process and Methodology. *Peace and Conflict Studies*, 2004, Vol. 11 (2), pp. 45-53.

¹³ Kester, Developing Peace Education Programmes: Beyond Ethnocentrism and Violence. *Journal of South Asian Peace Building*, 2008, Vol. 1 (1) pp. 31-41.

for tranquillity and development is self-explanatory. Peace is essential for world progress. United Nations (UN) has passed numerous declarations and conventions on peace and development. ExDirector General of United Nation Educational Social and Cultural Organization, Kiochiro Matsuura¹⁴ is said to have remarked that peace education is one of the fundamental aims of the UNESCO mission as well as of the UN.

GcGlynn¹⁵ (2004) argues that survival and progress of peaceful society depends on peaceful, positive and educated minds. Schools are the best places where the youth could be educated and trained in the best possible manner. Therefore, schools, teachers and parents of the present day have enormous responsibilities on their shoulders regarding the achievement of this goal. It is observed that a culture of violence and terror is increasing day by day everywhere. This trend has paced the world peace and progress at a stake. Danesh¹⁶ highlights that humanity needs a secure and safe culture to prosper. Peace education is the means through which this goal could be materialised. It has been observed that everywhere people are affected by violence, social problems and lack of respect for each other. Through peace education the difference among the people could turn into agreements and cooperation. Sara¹⁷ writes that peace is a global need. It could be promoted through care, love, respect and by avoiding conflict and violence. Parents and community members could be trained to deal with conflicts, unexpected dangers, threads and violence effectively. For this purpose a mass scale awareness programmes could be initiated in such areas where conflict exists or there is an imminent threat to peace and tranquillity. The ultimate results of such activities would be creation of a culture of trust, collaboration, peace and equity.

Schools could also be used for dissemination of the message of peace education. For the achievement of this aim, at larger scales, peace education could be integrated in the school curriculum. This would help in inculcating into the minds of the young generation the concept of peace and its importance for development of human society. Apart from theoretical knowledge, attention must be paid to skills, values and attitude development. This will help in sustainable growth of positive behaviours, which is the foremost requirement for developing a sense of care, love, cooperation and unity¹⁸. The aim of peace education is to restore the disturbed communities socially, economically, politically and morally. This is a common

¹⁴ Matsuura & Koichiro. *Peace Education: Exploring Ethical and Philosophical Foundations*, 2008., Charlotte: Information Age Publishing.

¹⁵ GcGlynn. *Addressing Ethnic Conflict through Peace Education. International Perspectives*. 2004, New York: Palgrave Macmillan.

¹⁶ Danesh, H.B. (2006). Towards an Integrative Theory of Peace Education, *Journal of Peace Education*, 2006, Vol.3 (1), pp.62-69.

¹⁷ Sara, C.H. (2005). Transforming Worldviews: The Case of Education for Peace in Bosnia and Herzegovina. *Journal of Transformative Education*, 2005, Vol. 3 (1), pp.40-

¹⁸ Reardon, B. *Comprehensive Peace Education: Educating For Global Responsibility*. 1988, New York: Teachers College Press.

responsibility which can be shouldered by all such as parents, community workers, philanthropists, teachers and students together. Halting the issue individually would not be effective. It needs an environment of trust, education and mutual actual ownership of the problem and its consequences.¹⁹ Education is the only tool to bring about sustainable peace and to make the reconstruction activities successful. Through education the behaviours and minds of people could be positively shaped and reshaped. This leads to ultimate harmony and extension of cooperation to other parts of society where conflicts and terror exists.²⁰

Mayor²¹ writes that peace education may be used as a panacea for the treatment of psychological and social pressures of terror affected communities on following three grounds. First, it can be used as Conflict Resolution Training (CRT). Through training the minds of the affected communities could be properly directed and moulded to restore their confidence. This is called mind moulding or mind shaping. It is performed through negotiation and peer mediation. This approach is usually used in those situations where people suffer huge destructions both socially and economically. In the wake of world war two, this mechanism was used to educate the war affected communities in Eastern Europe. This technique had helped in terms of restoring the shattered psyche of the people. Learning to manage fight, resist anger, spread care and love, listening, turn-taking, identifying needs and separating facts from emotions constitute the main elements of this programme.

Second is the technique of peace education through Democracy Training (DT). This mechanism is based on the idea that man is peaceful by nature. It typically focuses on political processes such as participation, sharing, decision making, opinion-formations and discussion. This training proposes that human society needs the ultimate commitment from all people around who constitute the society to accept the presence of conflict and the determination to work for tolerance and mutual peaceful co-existence. The basic aim of this type of training is to attempt to foster conflict-free and positive attitudes among the people and to enable them to understand and explore the causes of conflicts in the society and view conflicts as a platform for creativity and growth rather than a problem. This type of training enhances peoples' critical thinking skills, reflective skills and a strong consciousness about the existence and extermination of the forces of terror

¹⁹ Brabeck, K. (2001). Justification for and Implementation of Peace Education. *Peace and Conflict: Journal of Peace Psychology*, 2001, Vol.7 (1), pp.64-69.

²⁰ Sommerfelt, O.H., & Vamheim, V. The Dream of the Good (A Peace Project Exploring the Potential to Educate for Peace at the Individual level. *Journal of Peace Education*, 2008, Vol. 5 (1) pp. 43-52.

²¹ Mayor, F. (2005). *Democracy, Non-violence and Peace: Toward a Sustainable World*, 2005, Peter Blaze Corcoran, Amsterdam; KIT Publishers.

and violence. The end result of such programmes is production of responsible citizens who will follow standards of peace and development rather conflict and enmity. It is an established fact that democracy decreases the chances of injustices and war. Hence, democracy is essential for the creation of culture of peace and development.

Third is peace education through Human Rights Education (HRE). This programmes aims at creating awareness among and sensitize the communities about the policies and plans which are needed to take threatened or deprived humanities out of the scourge of conflict and terror. This will engender a solid commitment among the stakeholders to promote an atmosphere of peace where all members of the human community are able to use their personal freedoms and become safe from the dangers of fear, killing, violence, oppression and indignity. In these programmes, the participants are familiarised with the national and international movements, covenants for peace and human rights declarations for promotion of peace, justice, security, unity, solidarity, autonomy and strong affirmation for individual and collective freedoms.

Peace education is a dynamic field. Harris²² has divided it into five categories such as, international education, development education, environmental education, human rights education and conflict education. According to Matsuura and Koichiro²³ peace education philosophy and curriculum covers a range of topics such as history and philosophy of peace, discrimination between positive and negative peace, formation and transformation of peaceful values to present and future generations, nurturing of culture of co-existence and avoiding aggression, conflicts and war.²⁴ Peace education includes cultivation of peace building skills among the people through dialogue, mediation and social artistic endeavours. Peace educators teach values of respect, understanding, love, care, non-violence and harmony. As a result, it brings various elements and communities together to form a peaceful society through democratic pedagogical means. It is a dialogical learning conducted through participation.²⁵

Methodology and Procedures

This study is based on descriptive survey method. The basic purpose of the study is to investigate the attitudes of teachers on peace education initiatives in restoration of community confidence in the wake of terrorist violence in district Swat Pakistan.

²² Harris, I. Peace Education Theory. *Journal of Peace Education*. 2004, Vol.1 (1), 10-13.

²³ Matsuura & Koichiro. *Peace Education: Exploring Ethical and Philosophical Foundations*, 2008. Charlotte: Information Age Publishing.

²⁴ Reardon, B. *Comprehensive Peace Education: Educating For Global Responsibility*. 1988, New York: Teachers College Press.

²⁵ Burns, R.J., & Aspeslagh, R. *Three Decades of Peace Education around the World: An Analogy*. 1996 New York: Granland.

Population and Sampling

The population of the study consisted of all the male and female secondary school teachers in district Swat. However, 100 male teachers were randomly selected from 20 schools for this study with the ration of five teachers per school.

Instrumentation

For the purpose of data collection a self-designed questionnaire was developedlater administered to therandomly sampled teachers for data collection. Before distributing the questionnaire, it was piloted and refined regarding reliability and validity. The questionnaire was designed based on Five Point Likert Scalewith the following ranges such as Strongly Agreed (SA), Agree (A), Undecided (U), Disagreed (DA) and Strongly Disagreed (SDA). The questionnaire consisted of various items taken from the following five main themes.

- 1. Concept of peace education
- 2. Importance of peace education
- 3. Benefits of peace education
- 4. Restoration of community confidence
- 5. Challenges and opportunities

Findings

Table 1. Concept of Peace Education

Statements	SA	A	U	DA	SDA
	%	%	%	%	%
Peace education is changing of beliefs, attitudes and behaviours of people positively	40	20	10	15	05
Peace education developed peaceful minds	30	20	13	17	20
Peace education ensured harmony and extension of cooperation in violence affected areas of Swat.	55	25	05	10	05

Table 1show that 40% of the respondents strongly agreed that peace education was changing beliefs, attitudes and behaviours of people positively. Similarly, 30 % of the respondents strongly agreed that peace education was developing peaceful minds. Similarly, 55% strongly agreed that peace education ensured harmony and extension of cooperation in violence affected areas of Swat.

Table 2. Importance of Peace Education

Statements	SA	A	U	DA	SDA
	%	%	%	%	%
Peace education restored confidence of violence affected people	23	40	07	20	10
Peace education is a tool to create culture of trust and tranquillity in the terror affect areas	35	21	10	19	15
Peace education promoted a conflict free environment in the terror affected area	45	15	05	15	20

Table 2 show that majority of the respondents, 40% agreed that peace education restored confidence of violence affected people. Out of the total respondents, 35% strongly agreed that peace education was a tool to create culture of trust and tranquillity in the terror affected area. In view of 45% of the respondents peace education promoted a conflict free environment in the terror affected areas of Swat.

Table 3. Benefits of Peace Education

Statements	SA	A	U	DA	SDA
	%	%	%	%	%
Peace education ensured peace by restoring the shattered confidence of people in the terror affected areas of Swat	30	19	07	23	21
Peace education has removed fear from the minds of the violence affected community members	45	15	10	20	10
Peace education has led to sustainable peace and development in the terror affected areas	60	20	05	05	10

Table 3 show that 30% of the respondents strongly agreed that peace education had ensured peace and tranquillity in the terror affected areas of Swat by restoring the shattered confidence of people. Similarly, 45% of the respondents strongly agreed that peace education removed fear from the minds of the violence affected community members. Similarly, 60% of the respondents strongly agreed that peace education ensured sustainable peace and development in the terror affected areas of Swat.

Table 4. Restoration of Community Confidence

Statements	SA	A	U	DA	SDA
	%	%	%	%	%
Peace education has restored shattered confidence of the violence affected people in Swat	35	30	10	10	15
Peace education initiatives have promoted feelings of togetherness among the terror violence affected communities in Swat	40	30	15	05	10
Peace education has restored the broken confidence of terrorist violence affected communities socially	45	25	00	20	15

Table 4 show that 35% of the respondents strongly agreed that peace education initiatives had restored the shattered confidence of the violence affected people in Swat. In the same way, 40% of the respondents strongly agreed that peace education promoted feelings of togetherness among the affected violence affected communities in Swat. Similarly, in view of 45% of the respondents, peace education had restored the broken confidence of the terror affected communities socially.

Table 5. Challenges and Opportunities for Peace

Statements	SA	A	U	DA	SDA
	%	%	%	%	%
Communities in Swat are generally peaceful	45	20	05	20	10
Communities in Swat offer their social services voluntarily for peace	35	50	05	10	10
Communities in Swat have flexible attitude towards peace	60	25	00	10	05

Table 5 shows that 45% of the respondents, communities in Swat are generally peaceful. According to 50% of the respondents communities in Swat offered their social services voluntarily for peace and development initiatives. In the same way, 60% of the respondents strongly agreed that communities in swat have flexible attitudes towards peace and development.

Discussion

Peace education initiatives in Swat have led to positive changes in the behaviours and attitudes of the communities. Examination of the data shows that the teachers who took part in the peace education process as trainers and educators understand the importance of peace education. This study provides the wisdom that peace education is a source to restore shattered confidence of the terrorist violence affected people of Swat. It means that peace education is a strong tool to create culture of trust and tranquillity. Besides, this study revealed that peace education promotes a conflict free environment in the society. The study further showed that peace education initiatives have ensured peace and tranquillity in the Swat by restoring the shattered confidence of people. It has removed fear from the minds of the violence affected communities and again paved the way for sustainable peace and development in the society. As a result, sense of justice, democracy, care and feelings of togetherness have developed among the violence affected communities in Swat. The study revealed that communities in Swat are generally peaceful, by nature. It shows that the communities in Swat have positive attitude toward promotion of the goals of peace and development.

Conclusion

After analysis of the data this current study concludes that peace education initiatives in Swat have brought about positive changes among the affected communities. For example, parents confidently send their children to schools. Students have come out of the psychological stress and strain. They do not feel hesitant to go to schools now, as many security measures have been undertaken at school and community levels to abort any untoward situation. The contacts between schools and homes have better strengthened. Teachers act responsibly and actively during any emergency situations. Parents skilfully ward off any situation by coordinating with the schools. Strong communication channels have been established between schools and home to deal with any potential thread effectively. The above discussion concludes that peace education initiatives have restored the confidence of the communities.

Recommendations

On the basis of this study the following recommendations are presented.

1. The peace education initiatives may also be initiated in other parts of the country where the communities are directly affected by terrorist activities such as tribal area, Karachi and Baluchistan.

2. Peace education may be integrated in school curriculum so that the benefits could be disseminated to the future generation of Pakistan on more sustainable basis.
3. Training programmes on peace and development may also be started for women of the terror affected area in Pakistan. This will have far more deeper and positive impact upon the attitudes and behaviours of the young generation.
4. Peace education programmes may be evaluated continuously and results may be communicated to the people at the helm of affairs so that necessary measures could be taken to control the situations effectively in future.
5. Schools should develop closer links with homes and communities to grapple with nay untoward incident or situation future.
6. Curriculum planner may take this an opportunity to include the concept of peace education in the national education curriculum.

Future Research

This study was conducted in district Swat. The sample was limited to produce more reliable and valid results. Hence, it is suggested that future studies could be conducted in other terrorism affected areas of Pakistan. This would bring more comprehensive results regarding the effectiveness of the peace education initiatives.

References

- Brabeck, K., [2001]: *Justification for and Implementation of Peace Education. Peace and Conflict: Journal of Peace Psychology*, Vol.7 (1), pp.64-69.
- Burns, R.J., & Aspeslagh, R., [1996]: *Three Decades of Peace Education around the World: An Analogy*. New York: Granland
- Danesh, H.B., [2006]: *Towards an Integrative Theory of Peace Education*, Journal of Peace Education. Vol.3 (1), pp.62-69.
- Danesh, H.B., & Danesh, R.P., [2004]: *Conflict-Free Conflict Resolution: Process and Methodology*. Peace and Conflict Studies, Vol. 11 (2), pp. 45-53.
- GcGlynn, [2004]: *Addressing Ethnic Conflict through Peace Education. International Perspectives*. New York: Palgrave Macmillan.
- Harris, I., & Morrison, M.L. [2003]: *Peace Education*. 2nd ed. Jefferson, NC: England.
- Harris, I., [2004]: *Peace Education Theory*. Journal of Peace Education. Vol.1 (1), 10-13.

- Jenkins, T., [2007]: *Community Based Institutes on Peace Education (CIPE). Organizer's Manual*. New York: IIPE.
- Jenkins, T., [2008]: *International Institute on peace Education: Twenty-six Years Modelling on Critical Participatory Peace Pedagogy*, Journal of Peace Education and Social Justice, Vol. 2 (2), 144-150.
- Johnson, D.W., & Johnson, R.T., [2006]: *Peace Education for Consensual Peace: The Essential Role of Conflict Resolution*, Journal of Peace Education, Vol. 3 (2) pp. 120-134.
- Kester, K., [2008]: *Developing Peace Education Programmes: Beyond Ethnocentrism and Violence*. Journal of South Asian Peace Building, Vol. 1 (1) pp. 31-41.
- Kant, I., [2005]: *Perpetual Peace: A Philosophical Sketch*, New York: Cosimo, Inc
- Kester, K., [2007]: *Peace Education: Experience and Storytelling as Living Education*. Peace and Conflict Review, Vol. 2 (2) pp.23-34.
- Mayor, F., [2005]: *Democracy, Non-violence and Peace: Toward a Sustainable World*, Peter Blaze Corcoran, Amsterdam; KIT Publishers.
- Montessori, M., [1949]: *Education and Peace*. Oxford, England: CLIO.
- Matsuura & Koichiro., [2008]: *Peace Education: Exploring Ethical and Philosophical Foundations*. Charlotte: Information Age Publishing.
- Reardon, B., [1988]: *Comprehensive Peace Education: Educating For Global Responsibility*. New York: Teachers College Press.
- Reardon, B., [2001]: *Education for Culture of Peace in a Gender Perspective*. Paris: UNESCO.
- Sommerfelt, O.H., & Vamheim, V., [2008]: *The Dream of the Good (A Peace Project Exploring the Potential to Educate for Peace at the Individual level*. Journal of Peace Education, Vol. 5 (1) pp. 43-52.
- Sara, C.H., [2005]: *Transforming Worldviews: The Case of Education for Peace in Bosnia and Herzegovina*. Journal of Transformative Education, Vol. 3 (1), pp.40-46.
- Toh, S.H., [2004]: *Education for International Understanding toward a Culture of Peace: A Conceptual Framework*, Teachers Resource Book. Seoul: South Korea. Asia Pacific Center of Education for International Understanding.

Perspective of Khyber Pukhtunkhwa Female Madrassa Teachers towards Minorities

*Afsheen Naz**

Abstract

Religious Minorities in Pakistan are continuously facing discrimination in almost all fields of life over the period of times by the Majority. With other many factors, education system of Pakistan is highlighted as one of the most influential factor responsible for stemming the bigotry behaviours in Muslims. However, madrasas education system and particularly female madrassa teachers remained least studied area in this regard. Thus, current paper while focusing on Khyber Pukhtunkhwa's female madrassa teachers comes up with analyzing their perspectives towards the people of other religions living in their vicinity. The method of Focus Group Discussion was adopted for the analysis purpose and perspectives of thirty three female madrassa teachers were gathered in three parallel FGD sessions. According to the findings of the paper, female madrassa teachers are not highly biased towards non-Muslims. Although some prejudicial behaviours had been found but it is also important to note that such behaviours are not of extreme in their nature. However, these bigotry behaviours can be minimized with the inclusion of lessons of comparative religions in the madrassa curricula, which is missing.

Introduction

Pakistani society comprises people belonging to different cultures, religions and ethnic backgrounds. Ninety five percent of the population is Muslim while the other five percent belongs to other religions, — these are known as religious minorities.¹

Irrespective of religious identity every person living in Pakistan has equal constitutional rights. Conversely, the dominating majority at times takes advantage of religious minority groups, violating the law and resulting in disregarding the rights of minorities. Several studies have been carried

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¹ *Pakistan Country Profile 2011*, Index Mundi, viewed 02 August, 2011
<<http://www.indexmundi.com/pakistan/>>

out, for instance Robina Saigol's "*The Boundaries of Consciousness...* (1994)"² and Ahmad Salim's "*Pluralism and Diversity in Asia...* (2008)"³, to find out what is behind such behavior and suggest a large number of social, economic, cultural, political and historical factors. At the heart of all these factors lies the education system which serves as a means to reinforce the discriminatory attitudes of the majority (Nayyar and Saleem 2003).⁴

In Pakistan, there are three major types of educational systems, (i) public schools (ii) private schools and (iii) the madrassa⁵ education system. The public education system has extensively been studied to find out the ways in which education promotes biases and discriminating attitudes based on religious identities – through textbooks and teaching practices. However, far less attention is paid to understand the ways in which madrassa education plays its role in shaping the attitudes of students towards religious diversity. Within the madrassa education, there is a dearth of literature on the dynamics of female madrassas particularly related to the role that textbooks and teachers play in influencing the behaviour of female students towards various religious identities. This paper, in this context, is an attempt to explore the attitudes of female madrassa teachers towards the followers of different minority religions in the broad sense as well as within the madrassa education system. The paper is based on SDPI's recent report on education and religious discrimination, titled, "*Connecting the Dots: Education and Religious Discrimination in Pakistan, a Study of Public Schools and Madrassas*"⁶. The report explored prejudices against people of other religions in both educational systems; public schools and madrassas. Despite being a comprehensive study on the subject, this report did not provide any insights into the attitudes of female madrassa teachers and instead focused on male madrassa teachers only. This paper is based on qualitative data collected from Khyber Pakhtoonkwa (KPK) province through focus group discussions of female madrassa teachers. The analysis of the data provides a mix of responses showing the coexistence of biases alongside tolerant attitudes towards religious diversity.

The rest of the paper is organized as follows; section 02 represents context of the study, section 03 objectives, section 04-methodology and data set, section 5-analysis and section 6 represents conclusion.

² Saigol, R., *The Boundaries of Consciousness: Interface between the Curriculum, Gender and Nationalism*, in *Locating the Self*, Pakistan, 1994.

³ Salim, A., *Pluralism and Diversity in Asia: Promoting the Rights of Religious Minorities through Education and Training*, SDPI, Islamabad, Pakistan, 2008

⁴ Nayyar, A., & Ahmed, S., (ed.), *The subtle Subversion: The State of Curricula and Textbooks in Pakistan - Urdu, English, Social Studies and Civics*, SDPI, Islamabad, Pakistan, 2005.

⁵ *Religious seminaries*, privately run by religious organizations.

⁶ Hussain, A, Salim, A, & Arif, N., *Connecting the Dots: Education and Religious Discrimination in Pakistan, A Study of Public Schools and Madrassas*, USCIRF, Washington, United States, 2011.

Context of the Study

Madrasa Education

Madrasa: A Madrasa is known to be an Islamic religious institution where religion and different religious practices are taught. However, these religious institutions vary in their nature and school of thought hence forming various types. In Pakistan there are three major types of religious institutions⁷;

1. Quranic Schools: These are schools where only the Quran is taught.
2. Mosques Schools: These are schools where both Quranic and secular subjects are taught.
3. Madrassas: In these schools, generally, Islamic learning takes place. Madrassas work to inculcate religious knowledge in students to prepare religious scholars.

Evolution of Madrassas in the Subcontinent and Pakistan: Uzma Anzar (2003)⁸ in her study presented the ideological shift in the teachings of madrassas of the Indian subcontinent. Historically, in the subcontinent, the madrassas went through a radical shift in ideology during the British rule. The purpose of such a formation was to protect and preserve Islamic teachings to counter the domination of the British English schooling system. In 1867, the first madrasa, the Deoband school of thought was established in the subcontinent.⁹ At the time of the creation of Pakistan, madrassas were not in monolithic number, as a total of 189 madrassas were reported to exist at that time.¹⁰ The number of madrassas did not grow rapidly as less than 2,000 madrassas were known to exist in Pakistan in 1979.¹¹ A mushroom growth of madrassas in Pakistan began after 1980s. According to a report by the Human Rights Commission of Pakistan (HRCP 2002), the number of madrassas increased drastically and reached at 28,000 in 2002. Out of these, only 8,000 madrassas are officially registered (*Ibid.*).

Suba Chandran, in his study “Madrassas in Pakistan” (2003)¹², highlighted the facts behind such rapid growth of madrassas in the country. According to his study, such growth in the number of madrassas was commonly attributed to General Zia-ul-Haq’s Islamization policies. Nonetheless, according to him, there were other internal and external factors which contributed to the rising number of madrassas in Pakistan. Chandran,

⁷ Anzar, U., *Islamic Education A Brief History Of Madrassas With Comments On Curricula And Current Pedagogical Practices*, The University of Vermont, Canada, 2003.

⁸ *Ibid.*

⁹ Ahmad, M., *Madrasa Education in Pakistan and Bangladesh*, Asia-Pacific Center for Security Study, USA.

¹⁰ Khattak, I., *Pakistan to Modernize Madrassas*, Central Asia Online, 2011.

¹¹ Chandran, S., *Madrassas in Pakistan*, IPCS, New Dehli, India, 2003.

¹² *Ibid.*

looks at this issue by dividing madrassas geographically into two categories, (i) KPK & Balochistan and (ii) Punjab & Sindh.

The involvement of Pakistan in the Afghanistan war in 1980 is considered to have largely contributed to the growth of madrassas KPK and Baluchistan. The heavy influx of Afghan war refugees in Pakistan, according to Chandran, was used as a war tool by the Government of Pakistan, supported by the Government of United States of America. Madrassas in KPK and Balochistan were used to prepare these Afghan migrants to fight as *mujahedin*. The financial support for this purpose facilitated the establishment of a large number of new madrassas.

The Khomeini Revolution in Iran in 1980, according to Chandran, changed the numbers and nature of madrassas situated in Punjab and Sindh. The revolution resulted in splitting up the whole Muslim Umma into Sunni and Shia sects. Consequently, madrassas were found to be involved in sectarian extremism in both provinces.

Structure/Composition of Madrasa Education in Pakistan: In Pakistan, five types of madrassas function on the lines of five major religious sects having their own curricula: Tanzim-ul-Madaras (Barelvi), Wafaq-ul-Madaras (Deobandi), Wafaq-ul-Madaras (Shia), Wafaq-ul-Madaras (Ahle Hadith) and Rabita-ul-Madaris (Jamaat-e-Islami).¹³ However, all these five boards come under an educational board “Ittehad Tanzeemul Madaris”.^{14, 15} The contents of the curricula being used in these madaris are, reportedly, centuries old with no major changes over the period of time. The overall objective of all madrasa curricula is to nurture and prepare students to become religious scholars.

Central Boards of Madrassas in Pakistan

Name	Sub-Sect	Place	Date Established
WafaqulMadaris	Deobandi	Multan	1959
TanzimulMadaris	Barelvi	Lahore	1960
Rabta-tul-Madaris-al-Islamia	Jamaat-i-Islami	Lahore	1983
Wafq-ul-Madaris-al-Salafia	Ahl-i-Hadith	Faislabad	1955
WafaqulMadans (Shia) Pakistan	Shia	Lahore	1995

Source: “madrassas: religion, poverty and the potential for violence in Pakistan” Tariq Rahman

¹³ Khattak, I., Central Asia Online, 2011. (http://centralasiaonline.com/cocoon/caii/xhtml/en_GB/features/caii/features/pakistan/main/2011/01/29/feature-01)

¹⁴ AHKRC Public Forum. *Report of AHKRC Public Forum on Madrasa Education*, AHK Resource Center, 2010.

¹⁵ Siddiq, A., *Changing perception about Madrasas in Pakistan*, 2011. Islam Online <http://www.islamonline.net/en/IOLArticle_C/1278408868340/1278406720653/IOLArticle_C>

Under all religious sects there are a total 12,448 deeni madaris in Pakistan, of which 363 (3%) are in the public sector while 12,085 (97%) are in the private sector according to Pakistan Education Statistics 2007-08. Whilst, the total enrollment in the Deeni Madaris is 1.603 million of which 0.454 million (3%) is in public sector, whereas, 1.558 million (97%) is in private sector. However out of total enrollment the male students are higher (62%) as compared to female students (38%). Whereas, a total 55,680 teachers are recruited in these madaris of which 77% are male while 23% are female teachers.¹⁶

Madrasa education is mostly provided free of any cost in Pakistan. However, there are certain internal and external sources that bear the administrative, boarding and lodging cost of madrassas. Mumtaz Ahmad in his study "Madrasa Education in Pakistan and Bangladesh" identifies many of the internal and external funding sources for madrassas, for instance, trusts, endowments, charitable donations, and zakat contributions are some of the internal funding sources, besides, money from emigrant workers and wealthier and international Muslim non-governmental organizations (NGOs) come under external funding sources.

Madrasa education is far different than the public school education in Pakistan because of the difference of curricula being used in both systems as emphasis of the madrasa curricula is on Islamic teachings while secular education is of low importance. Over the period of time many reforms have taken place in madrassas. The madrasa reform of the passing of "Deeni Madaris (Voluntary Registration and Regulation) Ordinance 2002" in General Pervez Musharaf's regime is one of the current reforms (Chandran 2003). Under this ordinance, the permission of the concerned districts is obligatory for setting up any new madrasa. Also madrassas were forbidden to preach sectarianism and militancy and hatred; however the ordinance was allowed to be implemented at a larger scale by madrasa administrative bodies.¹⁷

Religious Minorities in Pakistan

Pakistan is an Islamic state in which 95 percent of the population comprises of Muslims, (seventy five percent of Sunni and twenty percent Shia).¹⁸ The total number of people belonging to other religions in Pakistan is five percent of the entire population. These are Christians, Hindus, Parsis, Sikhs, Bahais, Ahmadis and other castes.

Although the constitution of Pakistan ensures rights to non-Muslims living in Pakistan, these rights are rarely recognized. This lack of realization results in discriminatory behavior against the people of other religions over a

¹⁶ Data on Deeni Madaris Institutions, Teachers and Enrollment by central boards, Province and Gender has been provided in the annexure.

¹⁷ *Pakistan: Madrasas, Extremism and the Military ICG Asia Report No.36, 29 July 2002.*

¹⁸ *Pakistan Country Profile, 2011.*

period of time. Recently, the incident of the murder of Federal Minister of Minorities, Mr. Shahbaz Bhatti, in the backdrop of his remarks about the blasphemy law, is an example of the continuation of such prejudice. The Constitution of Pakistan clearly states the rights of religious minority groups in several articles as shown below:

*The rights of religious minorities in Constitution of Pakistan 1973 (selected articles)*¹⁹

Article 20: Freedom to Profess Religion and to Manage Religious Institutions

20. Freedom to profess religion and to manage religious institutions. – Subject to law, public order and morality;

- (a) Every citizen shall have the right to profess, practice and propagate his religion; and
- (b) Every religious denomination and every sect thereof shall have the right to establish, maintain and manage its religious institutions.

Article 22: Safeguards as to educational institutions in respect of religion, etc;

- (1) *No person attending any educational institution shall be required to receive religious instruction, or take part in any religious ceremony, or attend religious worship, if such instruction, ceremony or worship relates to a religion other than his own.....*

Unfortunately, although the constitution gives many rights to minority groups to freely practice one's own belief there are also a number of articles that create discrimination between religious minorities and the majority. Below are some examples of such articles which are equally applicable to all people living in Pakistan with no exception to religious minorities. For instance;

Article 31: Islamic Way of Life

- (1) *Steps shall be taken to enable the Muslims of Pakistan, individually and collectively, to order their lives in accordance with the fundamental principles and basic concepts of Islam and to provide facilities whereby they may be enabled to understand the meaning of life according to the Holy Quran and Sunnah.*

¹⁹ Government of Pakistan., *Constitution of Pakistan 1973* (<http://pakistanconstitution-law.org>)

- (2) *The state shall endeavour, as respects the Muslims of Pakistan;*
- (a) *To make the teaching of the Holy Quran and Islamiat compulsory, to encourage and facilitate the learning of Arabic language and to secure correct and exact printing and publishing of the Holy Quran;*
 - (b) *To promote unity and the observance of the Islamic moral standards; and*
 - (c) *To secure the proper organisation of zakat, [ushr,] auqaf and mosques”*

Female Madrassa Teachers and Minorities

According to latest available data source of “Pakistan education statistics 2007-08”²⁰, there are a total of 55,680 teachers in madrassas, of which 23% are female teachers educating 0.604 million female students. One point is noteworthy at this stage that in most Pakistani madrassas female teachers are recruited for female students.

Several studies have highlighted the curricula and pedagogical methods being used in public schools in creating and promoting discriminatory behaviors against religious minorities. However, the attitudes of madrasa teachers, particularly female teachers remains the least studied area. Given the centrality of female madrasa teachers in influencing the attitudes of female madrasa students, this paper has focused on the attitudes and behaviors of female madrasa teachers towards non-Muslim students in Pakistan.

Objectives of the Study

This study is aimed at finding out:

- a. The attitudes of female madrasa teachers towards non-Muslims in everyday life and social interaction with them;
- b. The justifications provided by the teachers for their attitudes towards non-Muslims; and
- c. To identify ways of addressing the possible biased attitudes of the teachers.

Methodology and Data Set

In order to have in-depth views of the teachers on the topic, Focus Group Discussions (FGDs) were conducted. This method has been chosen for the current paper, keeping in view its profound effectiveness in stimulating the participants to reveal their opinions, attitudes and behaviors

²⁰ Ministry of Education., *Pakistan Education Statistics, 2007-08*. Government of Pakistan.

towards non-Muslims and motivations behind these. To grasp the actual point of view of the teachers that can best fit into the objectives of the study, check lists and discussion guidelines were also developed for the moderators. The responses of the teachers were recorded in audio-recorders and notes were taken. The audio records were later transcribed into English.

A total of three FGDs were conducted at a local female madrassa in Abbotabad in the Khyber Pakhtoon Khawa (KPK) province. Thirty three female madrassas teachers participated in these FGD sessions. The participants were of different ages and had different years of teaching experience in the madrassas located in three districts- Abbottabad, Mansehra and Haripur of KPK.

Analysis

In order to conduct a comprehensive analysis of the data, systematically, the responses of the teachers were divided into various themes. Keeping in view the objectives of the current paper, the data related to the following themes is analysed;

1. Importance of madrassa education
2. Knowledge about other religions and existence of religious minorities
3. Interaction with minorities
4. Equality of rights
5. Reaction towards insulting behavior

Importance of Madrassa Education

When teachers were asked about the importance of madrassa education, almost all of them were of the view that madrassa education plays a key role in keeping Muslims on the right path. According to their view, madrassa education helps students to act upon the teachings of Islam which ultimately turns their lifestyle into an Islamic way of living. Most of the participants were of the view that;

“Madrassa education is very important as knowledge about religion and religious practices increases”,

“The religion (Islam) is taught in-depth in madrassas. Moreover, what is also taught in the madrassas is how to act upon what is taught”

Despite highlighting the factors behind the importance of madraassa education, a group of teachers further added a concept that relates to the character building of the students. This group of teachers was of the view that *“through madrassa education, one can differentiate between good and bad”*. Although this group indirectly highlighted this fact, the majority of the

participants directly highlighted the aspect of madrassa education and characterized their students as less inclined towards any crime. Many of the teachers, for example, said; *“a madrassa student will never be inclined towards crime no matter how many hard times she faced.”*

Teachers were also probed about the comparison and importance of secular education. In their responses the importance of acquiring both types of education was highlighted. Adding to their response teachers said that madrassa education alone does not provide a financially attractive livelihood to students hence keeping them and their families away from economic progress. Teachers were of the view that *“combining both education systems into a comprehensive one will make a good student”*.

Moreover, female teachers differentiated the provision of both kinds of education for girls and boys. They said, *“To have secular education is more important for male students as they have to play the role of the main earner for the whole family”*.

However, despite the fact that teachers were favouring acquiring modern education for economic gains, they preferred madrassa education as for them it provided an ethical way of living, an Islamic way of life;

“Priority should be given to Islamic teachings while contemporary knowledge has a secondary place”

Apart from highlighting the facts behind the importance of madrassa education, when teachers were further probed about the reasons behind getting admission into madrassas, almost all of the teachers linked admissions to an attractive environment of madrassas. For example they said;

“The environment of madrassas fascinates students. It’s the environment, the books, and the syllabus that attracts them”,

“There isn’t any strictness in our Madrassas rather students are inspired to learn. We provide a picture of Islamic teachings, in such a positive way, that students themselves start studying in a good manner”

Knowledge about Other Religion and Existence of Religious Minorities

When teachers were asked about other religions and the existence of religious minorities, the majority of them expressed the fact that they were aware of their existence. All of the teachers linked their knowledge of the presence of religions other than Islam with the teachings of the Holy Quran and said that *“other religions, before Islam, are also cited in the Holy Quran”*.

Nonetheless, teachers were not very aware of the practices of other religions. The reason behind such unawareness was also inquired during the

discussion session under this theme. The contents of textbooks were said to be the reason as teachers themselves were not taught about other religions. Following the same curricula and textbooks, they are still not teaching their students about other religions. When teachers were asked about the reasons for not transferring such information to the students, more than half of the participants expressed their fear that such information could distract students from the teachings of Islam. One teacher, for example, said;

“Children’s minds and views will mix up if they read about different religions”

Another teacher, for example, said;

“There shouldn’t be such courses because children will develop conflicting views.”

Indian TV channels are a source of information for the rituals of Hinduism.

However, when asked in-depth, most of the teachers acknowledged the importance of knowing about other religions to avoid any misconception about them. However, sometimes, the underlying objective also appeared to be to establish Islam as superior to other religions. One representative of such views said;

“Taqabl-e-Adian (study of comparative religions) should be read out to get the full picture of what we studied and why other religions are different from us, and why we feel ourselves better as compared to other religions and faiths”

Some teachers felt it is beneficial for students to learn about other religions but only after they reached a mature age. One teacher said;

“Children can be taught about other religions once they become mature, this will not change the thoughts of the children about their own religion”

Talking about the mention of other religions in the Holy Quran, one teacher said;

“there are many verses that point out other religions but we only translate the verses and do not explain it because being a verse of the Quran we cannot overstate the word of God.”

Mostly the teachers themselves had not studied comparative religions, so they could not teach their students about them. Thus teachers had very

limited knowledge about other religions and their practices. Most of the teachers were acquainted with Hinduism, Christianity and Judaism only. On the other hand, out of these three, they were familiar with the rituals of two religions i.e. Hinduism and Christianity. Sources of their familiarization with these two religions were also identified during the focus group discussion. TV channels were said to be a source of information about Hinduism. The respondents linked the source of information of the Christian religion with Sayings of the Quran and their day to day interaction with Christians.

Moreover, when teachers were probed about the presence of people of other religions in vicinity, most of the participants named people of Christian religion. Only one of the respondents said that *“there had been a Hindu family in our community.”*

Despite the fact that respondents openly accepted the existence and presence of other religions, they disliked their rituals. A group of respondents in this context also gave an example of *“burning of dead bodies in Hindu religion”*. While elaborating the example respondents stated that *“these rituals are against Islam that’s why we hate them”*.

Interaction with Minorities

While gathering the views of the teachers under this theme certain observations came to light, for instance, none of the teachers had the experience of teaching a student from other religions other than Islam in their class or madrasa. However, the majority of the teachers had people of other religions in their environments and had the experience of interacting with them as well. About half of the teachers showed abhorrence and intolerance of other religions while about half were favoring interaction with people belonging to other religions.

Teachers, who disliked interacting with non-Muslims, were of the view that non Muslims are infidels so any type of social interaction would be unbearable. When the type of aversion was enquired about, such responses came up; *“we do not like to shake hands, eat food, and enter into contract marriages with non-Muslims”*. Moreover, the respondents showed a clear hatred of Hindus and said that it worked both ways; *“We hate Hindus because they hate Muslims”*.

All of the respondents, while sharing their views regarding the issue of marriage with non-Muslims showed reluctance. However, referring to the Quranic knowledge of the issue, the participants differentiated infidels from ‘People of Book’. These included Jews, Sabians and Christians. The respondents were of the view that *“marriages with ‘people of the book’ are allowed”*. Nonetheless, the respondents further elaborated that *“only Muslim men can marry non-Muslim women”*.

The respondents, who were in favour of interaction with religious minorities, shared many of their experiences of social interaction with people from other religions like inviting them to their ceremonies and attending theirs as well;

“We attend their festivals and also invite them to ours, like marriage ceremonies etc.”

However, four of the respondents said that they invited them to their ceremonies but did not attend theirs. They shared their experience;

“We invited non-Muslims to our brother’s marriage and their girls came to attend as well. But when they invited us to one of their marriage ceremonies, we did not go but our elders went”

Under this theme, the teachers also talked about economic interaction with people of other religions. Almost all of the teachers were in favor of having economic relationships and linked it with economic prosperity for both Muslims and non-Muslims, *“business relationships can be built with non-Muslims”*.

However when teachers were asked whether living with non-Muslims can affect Muslims’ values and beliefs the majority of the respondents said that Quranic knowledge could not be affected by the influence of other religions. The majority of them were of the view that; *“our belief is much stronger and it cannot be affected by people of others religions”*. However, a small group of respondents showed clear concern while living with non-Muslims. They shared their experience while living in an area where a Christian hospital was situated; paramedical staff of that hospital was

A small group of respondents showed concern that non-Muslims in their community preach their own religion to Muslims. To show this concern a real life example was provided by the respondents;

“A Christian hospital in the vicinity provides many pamphlets and handouts that contain contents of Christian religion. They disseminate the preaching to anyone who visits the hospital-Muslims or others. This clearly shows that this group of Christians is trying to spread and promoting their own religion”

Not a single teacher had the experience of teaching a student from another religion

spreading literature about Christianity and many Muslims felt insecurity while going to that hospital.

Equality of Rights

Responding to a question about whether or not non-Muslims should have equal rights to Muslims, everyone responded positively.

Considering non-Muslims as citizens of Pakistan, more than half of the respondents equated the rights of religious minorities with their own. One teacher for example said;

The respondents not only equate rights of religious minorities with their own but also considered them as citizens of Pakistan.

“Being citizens of Pakistan, they should have equal rights”

Respondents were of the view that all the followers of other religions should have full economic and social rights. In teachers’ responses there was a clear sense of acceptance of the provision of social rights to the religious minorities living in Pakistan was also observed during the discussion around this theme. Almost all the participants expressed views such as;

“All non-Muslims living in Pakistan have equal social rights and they are enjoying their rights as well”.

Elaborating on views on the provision of economic rights most of the teachers said that if Muslims can go abroad to non-Islamic countries and earn a livelihood then why non-Muslims cannot enjoy equal opportunities while living in Pakistan. More than half of the respondents had views such as;

“If we [Muslims] can have opportunities to go in other countries for livelihood then why can’t they”.

In addition, with regard to non-Muslims freely performing their rituals most teachers felt they should be allowed to do so. One teacher, for instance, said;

“People of other religions in our community celebrate their ceremonies like matrimonial ceremonies with full liberty”.

As shown in the previous section, a group of teachers showed pejorative behaviour towards the performance of rituals by non-Muslims. However, majority of the teachers, as shown in this section, not only recognized the rights of non-Muslims but also believed in their liberty to perform their

rituals. This contradictory behaviour of the teachers reflects the plurality of the views amongst teachers towards non-Muslims, respecting their rights and freedom to perform their rituals.

Theme 5: Reaction towards Insulting Behavior

Teachers were asked that if a non-Muslim insults a Muslim or vice versa, what would be their reaction. All the participants responded in a non-prejudicial manner. All the participants were of the view

that justice would be done irrespective of a person's religious identity. They also highlighted that a common approach of listening to the arguments from both sides would be applicable to solve the problem;

*The righteous one will be
favored irrespective of their
religion*

“If Muslim and non-Muslims are engaged in a conflict, we would first consult both the parties and then reach a decision irrespective of the belief and faith of the conflicting parties”

Despite having certain discriminatory behaviors against people of other religions, as discussed in preceding sections, the responses of the teachers to this question were surprisingly very encouraging. In their responses, teachers not only emphasized the need for knowing the real issue at hand, they also seemed to favour the righteous one. Further elaborating their views on this, teachers said;

“Being Muslims we should keep good relations with all people of other religions. We should not hurt anyone without any reason”

Such attitudes reflect tolerance and respect towards non-Muslims.

Conclusion

The paper has analyzed the responses of female madrasa teachers to the questions related to their attitudes towards religious diversity in the country. As discussed, responses of the teachers are diverse and sometimes contradictory. Respect and tolerance co-exist with bigotry and discrimination. Acquiring a madrasa education appeared to be very important as has been made clear through the teachers' responses. They felt that a madrasa education builds a strong character and forms a strong base for learning about Islam. They nonetheless also emphasized the need to

combine secular education with madrassa education to improve prospects for the livelihoods of the students.

Teachers were aware of different religions such as Hinduism, Christianity and Judaism and were also familiar with some of the religious practices of their followers. Some of the teachers also appeared to be pejorative towards the religious practices of non-Muslims. They however highlighted that their textbooks contain little information about other religions and they are as such not taught comparative religions. The television appeared to be a major source of information about other religions and the practices of their followers.

Almost half of the respondents opposed having social interaction with people of other religions such as shaking hands, sharing food, contracting marriages etc. Despite these discriminatory attitudes, teachers appeared to favour business relationships with non-Muslims. They also suggested giving non-Muslims equal social and economic rights. The example of Muslim immigrants settling in western countries was often cited while supporting the provision of equal rights to non-Muslims.

According to the findings of the paper, female madrassa teachers are not highly biased towards non-Muslims. Although some prejudices were found in teachers behaviors they were not of extreme in their nature. Teachers came to know about rituals of non-Muslims through teachings of Quran, electronic media and actions of those non-Muslims living in their surroundings and not through contents of course being taught at madrassas. Thus, teachers' negative behavior towards religious minorities was mostly influenced by electronic media. Absence of material about comparative religions may one of the reasons which allow them to nourish the biased attitude against people of other religions. Perhaps the inclusion of lessons on comparative religions in curricula and textbooks, in an unbiased way, can minimize this stance.

References

- AHKRC Public Forum [2010]: *Report of AHKRC Public Forum on Madrassa Education*, AHK Resource Center.
- Ahmad, M., *Madrassa Education in Pakistan and Bangladesh*, Asia-Pacific Center for Security Study, USA.
- Anzar, U., [2003]: *Islamic Education A Brief History Of Madrassas With Comments On Curricula And Current Pedagogical Practices*, The University of Vermont, Canada.
- Chandran, S., [2003]: *Madrassas in Pakistan*, IPCS, New Dehli, India.
- Government of Pakistan, [1973]: *Constitution of Pakistan 1973* (<http://pakistanconstitution-law.org>)

- Hussain, A, Salim, A, & Arif, N., [2011]: *Connecting the Dots: Education and Religious Discrimination in Pakistan, A Study of Public Schools and Madrassas*, USCIRF, Washington, United States.
- Khattak, I., [2011]: *Central Asia Online* (http://centralasiaonline.com/cocoon/caii/xhtml/en_GB/features/caii/features/pakistan/main/2011/01/29/feature-01)
- Khattak, I., [2011]: *Pakistan to Modernize Madrassas*, Central Asia Online. Ministry of Education. *Pakistan Education Statistics, 2007-08*. Government of Pakistan.
- Nayyar, A., & Ahmed, S., (ed.) [2005]: *The subtle Subversion: The State of Curricula and Textbooks in Pakistan - Urdu, English, Social Studies and Civics*, SDPI, Islamabad, Pakistan.
- Pakistan Country Profile 2011*, Index Mundi, viewed 02 August, 2011
<<http://www.indexmundi.com/pakistan/>>
- Pakistan: Madrasas, Extremism and the Military ICG Asia Report No.36*, 29 July 2002.
- Religious seminaries*, privately run by religious organizations.
- Saigol, R., [1994]: *The Boundaries of Consciousness: Interface between the Curriculum, Gender and Nationalism, in Locating the Self*, Pakistan.
- Salim, A., [2008]: *Pluralism and Diversity in Asia: Promoting the Rights of Religious Minorities through Education and Training*, SDPI, Islamabad, Pakistan.
- Siddiq, A., [2011]: *Changing Perception about Madrassas in Pakistan*, Islam Online
<http://www.islamonline.net/en/IOLArticle_C/1278408868340/1278406720653/IOLArticle_C>

Indo-Kazakhstan Trade: Barriers and Prospects

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Abstract

The degree of Indo-Kazakhstan bilateral trade is not so relevant but it has been growing fast in last few years. This increase is exhibiting increasing role of the republic in India's trade. As per Indicative Trade Potential (ITP), there exists a vast scope to increase and diversify this bilateral trade. India has major potential in machinery and transport while Kazakhstan can expand the exports from its traditional sectors of mineral and metals. Potential in different products reveals the opportunity for diversify the trade in future. It would enhance the benefits for both the countries in long term.

Key words: Bilateral trade, trade potential, barriers, ITP

Introduction

The end of Cold War and disintegration of Soviet Union in December 1991 led to the emergence of the sovereign republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan in the middle of Asia continent. Since their independence, these five former Soviet republics (together termed as Central Asia or Middle Asia) have been the focus of the World attention due to its location, minerals, natural resources and destabilized political system. Central Asian Republics (CARs) have a wealth of natural resources such as oil, gas and metals, as well as commodities like cotton, grain, and cereals. Among these five republics, Kazakhstan and Turkmenistan are oil and gas exporters thus richer than others. Kazakhstan has the largest oil and coal reserves in the region. According to British Petroleum (B.P.) Statistical review of World Energy (June 2011), with 3 percent of world's proven oil reserves, it is the eleventh largest oil reserves in the world

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and probably has the greatest capacity for production growth of any non-OPEC member. Also, Kazakhstan is the only Central Asian republic with huge reserves of coal which accounted for about 4 percent of total world coal reserves. After Turkmenistan, it has larger reserves of natural gas in region.¹

Map I: Geographical view of Kazakhstan



Source: <https://maps.google.com/>. Accessed 2012, February17.

Kazakhstan has a top position in oil and gas production in Central Asia region and it has an expanding mining sector. Table I shows that in 2000, Kazakhstan has produced 35.3million tons of oil (700,000 barrels per day) which increased to 81.6 million tons (more than 160, 0000 barrels per day) in 2010. In 2010, it has produced 2.1 percent of total world oil production. Kazakhstan has the potential to be a world-class oil exporter. Natural gas production has increased from 10.4 billion cubic meters in 2000 to 33.6 billion cubic meters in 2010. Though Kazakhstan's economic future is linked to oil and gas development; It has also the World's second largest uranium, chromium, lead and zinc reserves, the third largest manganese reserves and the fifth largest copper reserves.² *In 2009 Kazakhstan became the world's*

¹ British Petroleum (B.P.) Statistical Review of World Energy June 2011 available on bp.com/statisticalreview accessed 24 November 2011. Institutional authors British Petroleum (London).

² Central Asia's energy risks, 24 May 2007, available at: <http://www.crisisgroup.org/~media/Files/asia/central->

leading uranium producer with almost 28 percent of world production then 33 percent in 2010 and about 35 percent in 2011.³ It has the largest silver, zinc and nickel markets in West Asia. The republic also exports iron and diamonds. It also has enormous agricultural potential with its vast grassland. The republic is the 6th largest global producer of cereals and has self-sufficiency in food production (Jadrallyev 2010, p.17).

Table I: Oil and Gas Production in Central Asia

Countries	Oil (million tones)				Natural Gas (billion cubic meters)			
	2000	2005	2010	Share	2000	2005	2010	Share
Kazakhstan	35.3	62.6	81.6	2.1	10.4	22.6	33.6	1.1
Turkmenistan	7.2	9.5	10.7	0.3	42.5	57.0	42.4	1.3
Uzbekistan	7.5	5.4	3.7	0.1	51.1	54.0	59.1	1.8

Note: Share indicates percentage share in world's total production.

Source: B. P. Statistical Review of World Energy, June 2011.

Today in world scenario, energy plays an important role in the formation of a country's foreign and security policy. India is also looking for the nuclear energy option and sources beyond the Middle East. As a current example is, *Indo-U.S. nuclear agreement, as well as consistent engagements with the countries of Eurasia, Africa and Latin America, should be seen in this perspective* (Sachdeva 2010, p.126).

Kazakhstan's industrial sector depends mainly on the extraction and processing of the natural resources and also on heavy industry specializing in construction equipment, tractors, agricultural machinery and military products. The manufacturing activities are limited to textile, chemical products and fertilizers. The former Soviet republic is in transitional phase. Also, it has rapidly growing middle class and signs that the hydrocarbon prosperity is being felt widely.⁴ Thus, there have been required huge imports in pharmaceuticals, tea, food processing, machinery and equipments, paper and paperboards, consumer durables and services. On the other hand, India has a proficiency to provide these requirements. Thus, it has two-fold significance for India.

[asia/133_central_asia_s_energy_risks.ashx](#), accessed 05 January 2012. Institutional author International Crisis Group.

³ Uranium and Nuclear Power in Kazakhstan, 15 March 2012, available at: <http://worldnuclear.org/info/inf89.html>, accessed 15 March 2012. Institutional author World Nuclear Association.

⁴ Central Asia's energy risks, 24 May 2007, available at: http://www.crisisgroup.org/~media/Files/asia/central-asia/133_central_asia_s_energy_risks.ashx, accessed 05 January 2012. Institutional author International Crisis Group.

India and Kazakhstan had been a historical trade tie since Silk Road period. The Silk Routes were important paths for turbans, guns, and technological exchange for Ancient China, Ancient India, Ancient Tibet, Persian Empire and Mediterranean countries for almost 3,000 years (Kaur 2011, p. 250). Trade interaction reached its heights during the Kushans (first to the third century A.D.) when there was extensive exchange of goods, men, ideas and culture between the two regions (Agarwal 2006, p.3). However, these exchanges had almost been frozen when Central Asia got incorporated into socialism under USSR. In the post Soviet Socialist era, keeping in view their economic and strategic interests India is strengthening its relations with Central Asian Republics (CARs). Table II depicts India's trade trends with Kazakhstan during 1995-2010. Table depicts that India's exports to republic has been continuously increasing during the study period (except 1996) from US\$ 8.55 million in 1995 to US\$ 146.21 million in 2010 i.e. increased by 21.60 percent. The highest growth in exports has accounted in 1996-97 when it grew by 244.69 percent. However, India's imports from Kazakhstan have fluctuated with a propensity to increase. It reached to a level of US\$ 157.50 million in 2010 from US\$ 7.95 million in 1995, while its growth rate has remained lower than that of India's exports to Kazakhstan i.e. 19.77 percent. On an average, in last fifteen years India has imported commodities of US\$ 47.58 million from Kazakhstan.

Table also reveals that the total trade between India and Kazakhstan has grown by 20.06 percent, from US\$ 16.50 million in 1995 to US\$ 303.71 million in 2010. The average trade during this period was of US\$ 113.88 million. During 2007-2008, imports grew more than 500 times. It may be due to the shot up in mineral and oil prices in international market. The Balance of trade during initial periods of study i.e. in 1996 and 1997 was in favor of Kazakhstan. After 1997 and prior to the financial crisis in 2008 India has a positive trade balance with republic. However, today India's trade balance with Kazakhstan is negative, over the last three years there is not much change in that volume (-11.40 in 2008 to -11.29 in 2010). On an average, for whole study period the balance of trade has remained in favor of India.

The percentage share of India in Kazakhstan's global exports, imports and total trade is negligible during the study period. But all shares have a tendency to increase. Table III reveals that in 1995 India has a share of only 0.18 percent in Kazakh's total trade which increased to a highest level of 0.53 percent in 1998. Since 1999 it continuously declined (except 2001) till 2007 (0.20 percent). However after 2007, India's share in republic's total trade has improved a little and reached to 0.37 percent in 2010. Share of country's exports to Kazakhstan has increased from 0.15 percent of total exports of later in 1995 to 0.28 percent in 2010; while, India's share in its total imports has been increasing from 0.22 percent in 1995 to 0.61 percent

in 2010. However, the average shares of Indian exports, imports and total trade in Kazakhstan's global exports, imports and total trade (0.20 per cent, 0.54 per cent and 0.33 per cent respectively) are still less than one.

Table II: India's Trade Trends with Kazakhstan (US\$ million)

Year	Exports	Imports	Trade	Trade Balance
1995	8.55	7.95	16.50	0.60
1996	4.39 (-48.65)	12.56 (57.99)	16.95 (2.73)	-8.17
1997	15.13 (244.69)	35.98 (186.48)	51.12 (201.56)	-20.85
1998	37.98 (150.97)	12.44 (-65.42)	50.42 (-1.36)	25.54
1999	27.36 (-27.98)	13.53 (8.74)	40.88 (-18.92)	13.83
2000	38.64 (41.25)	14.57 (7.72)	53.21 (30.16)	24.07
2001	54.45 (40.92)	11.15 (-23.46)	65.61 (23.29)	43.30
2002	45.60 (-16.25)	11.16 (0.09)	56.76 (-13.48)	34.44
2003	55.53 (21.77)	10.80 (-3.22)	66.33 (16.86)	44.72
2004	90.69 (63.33)	13.97 (29.25)	104.66 (57.78)	76.73
2005	90.26 (-0.48)	23.49 (68.20)	113.74 (8.69)	66.77
2006	86.62 (-4.04)	76.11 (224.02)	162.73 (43.06)	10.50
2007	93.7 (8.22)	70.50 (-7.37)	164.24 (0.93)	23.23
2008	131.59 (45.79)	142.99 (508.86)	274.58 (67.18)	-11.40
2009	133.93 (1.78)	146.66 (2.57)	280.59 (2.19)	-12.73
2010	146.21 (9.17)	157.50 (7.39)	303.71 (8.24)	-11.29
Average	66.29	47.58	113.88	18.71
Compound Growth Rate (%)	21.60	19.77	20.06	

Note: Values in parentheses show percentage change.

Source: UN Comtrade, 2011.

Table also depicts that the percentage share of Kazakhstan in India's global exports, imports and total trade is worse than the later's share in former's global exports, imports and total trade, during the study period. In 1995 Kazakhstan has a share of only 0.02 percent in India's total trade which increased slightly and reached to 0.07 percent firstly in 1997 and then again in 2001. The share of Kazakhstan in India's global trade fluctuated between 0.05 and 0.06 percent during 2002-2010. Share of Kazakh's exports increased from 0.03 percent of total exports of India in 1995 to 0.07 percent in 2010; while, its share in Indian imports increased slightly from only 0.02 percent in 1995 to only 0.06 percent in 2010. Even then Kazakhstan is still a very weak trade partner of India as its annual average share of exports, imports and total trade in India's global exports, imports and total trade is still negligible i.e. 0.08 per cent, 0.03 per cent and 0.05 per cent. On the other hand, India has somewhat better performance in Kazakhstan's trade data.

Table III: India-Kazakhstan Bilateral Trade Share (Percent)

Year	India in Kazakhstan			Kazakhstan in India		
	Exports	Imports	Trade	Exports	Imports	Trade
1995	0.15	0.22	0.18	0.03	0.02	0.02
1996	0.21	0.10	0.17	0.01	0.03	0.02
1997	0.55	0.35	0.47	0.04	0.09	0.07
1998	0.24	0.88	0.53	0.11	0.03	0.07
1999	0.23	0.75	0.43	0.07	0.03	0.05
2000	0.17	0.78	0.39	0.09	0.03	0.06
2001	0.13	0.87	0.44	0.12	0.02	0.07
2002	0.12	0.69	0.35	0.09	0.02	0.05
2003	0.08	0.66	0.31	0.09	0.01	0.05
2004	0.07	0.71	0.32	0.12	0.01	0.06
2005	0.08	0.52	0.25	0.09	0.02	0.05
2006	0.20	0.37	0.26	0.07	0.04	0.05
2007	0.15	0.29	0.20	0.06	0.03	0.05
2008	0.20	0.35	0.25	0.07	0.05	0.06
2009	0.34	0.47	0.39	0.08	0.06	0.06
2010	0.28	0.61	0.37	0.07	0.04	0.05
Average Share	0.20	0.54	0.33	0.08	0.03	0.05

Source: UN Comtrade, 2011.

It has been supposed that the slight trade trends between India and Kazakhstan might be due to India's late entry in Central Asia. In initial years of independence of the CARs, India's closer ties with Russia stopped it from developing closer relations with the region. More recently, India is moving closer to CARs with its inclusion in the Shanghai Cooperation Organization (SCO) in 2005 as an 'observer' (Pahariya 2009, p.5). Overall, during the

recent years there registered a faster growth than earlier in Indo-Kazakhstan trade trends.

Composition of Trade⁵

Table IV depicts the percentage share of India's top ten exports to Kazakhstan during the period 1995, 2000, 2005 and 2010. Since 1995, there has been observing much more changes in composition of India's exports to Kazakhstan. Five new commodities arrange their place in export basket, between 1995 and 2010. Also, the percentage share of top ten commodities in India's total exports to Kazakhstan is hovered between 92.93 per cent in 2010 and 100 per cent in 1995. However, the performance of top ten commodities remains quite fluctuating. Coffee, tea, mate & spices and pharmaceutical products have been the peak commodities in the Indian export basket to Kazakhstan, over the period. Coffees, tea, mate & spices' has a share of more than 77 percent in total exports to Kazakhstan in 1995. The other major commodities exported by India to Kazakhstan have included Pharmaceutical products (12.7 percent); tobacco & manufacture tobacco substitutes (7.4 percent) and nuclear reactors, boilers, machinery & mechanical appliances, computers (1.0 percent).

In 2000, there are some changes in India's export composition toward Kazakhstan. The share of coffee, tea, mate & spices has been declined from 77.2 percent in 1995 to 41.7 percent in that year. But it still ranked first in top ten commodity list. Other commodities were articles of leather saddler & harness, travel goods, hand bags, articles of gut (12.4 percent); pharmaceutical products (10.8 percent); rticles of iron & steel (7.7 percent) and nuclear reactors, boilers, machinery & mechanical appliances, computers (5.5 percent). Three new commodities rticles of iron & steel; articles of apparel & clothing accessories-not knitted or crocheted and iron & steel joined the export composition. In 2005, the major share was constituted by coffee, tea, mate & spices (27.9 percent) followed by pharmaceutical products (22.6); nuclear reactors, boilers, machinery & mechanical appliances, computers (12.9 percent); articles of leather, saddler & harness, travel goods, hand bags, articles of gut (7.7 percent) and articles of apparel & clothing accessories-knitted or crocheted fabrics (6.5 percent). Two new commodities electrical machinery & equipments and residues from food industries' animal feed came in composition.

Pharmaceutical products became the uppermost commodity in Indian export basket to Kazakhstan during 2010. It has been a continuously increasing share from 12.7 percent in 1995 to 32.04 percent in 2010.

⁵ Composition of India- Kazakhstan bilateral trade is also mentioned in our previous article Kaur & Kaur (2013, p. 163-165).

Table IV: India's Top Ten Export Commodities to Kazakhstan

1995	2000	2005	2010
Coffee, tea, mate & spices (77.2)	Coffee, tea, mate & spices (41.7)	Coffee, tea, mate & spices (27.9)	Pharmaceutical products (32.04)
Pharmaceutical products (12.7)	Articles of leather, saddler & harness, travel goods, handbags etc. (12.4)	Pharmaceutical products (22.6)	Coffee, tea, mate & spices (29.3)
Tobacco & manuf. tobacco substitutes (7.4)	Pharmaceutical products (10.8)	Nuclear reactors, boilers, machinery & mechanical appliances, computers (12.9)	Articles of apparel & clothing accessories- knitted or crocheted fabrics (16.3)
Nuclear reactors, boilers, machinery & mechanical appliances, computers (1.0)	Articles of iron or steel (7.7)	Articles of leather, saddler & harness, travel goods, handbags, articles of gut (7.7)	Articles of apparel & clothing accessories- not knitted or crocheted (4.9)
Oils & resinoids, perfumery, cosmetic or toilet preparations (0.8)	Nuclear reactors, boilers, machinery & mechanical appliances, computers (5.5)	Articles of apparel & clothing accessories- knitted or crocheted (6.5)	Nuclear reactors, boilers, machinery & mechanical appliances, computers (3.5)
Miscellaneous manufactured articles (0.3)	Articles of apparel & clothing accessories- knitted or crocheted fabrics (5.2)	Iron & steel (4.1)	Articles of leather, saddler & harness, travel goods, hand bags, articles of gut (1.9)
Preps of vegs, fruits, nuts, etc. (0.2)	Articles of apparel & clothing accessories- not knitted or crocheted fabrics (3.0)	Electrical machinery & equip. & parts, telecommunications equip., sound recorders etc. (2.8)	Ceramic products (1.5)
Optical, photographic, cine. measuring, checking, precision, medical/surgical instruments (0.2)	Iron or steel (1.7)	Articles of apparel & clothing accessories- not knitted or crocheted (2.4)	Rubbers & articles thereof (1.1)
Articles of apparel & clothing accessories- knitted or crocheted fabrics (0.2)	Optical, photographic, cine. measuring, checking, precision, medical or surgical instruments & accessories (1.6)	Articles of iron or steel (2.3)	Electrical machinery & equip. & parts, telecommunications equip., sound recorders (1.1)
Plastics & articles thereof (0.07)	Plastics & articles thereof (1.5)	Residues from food industries, animal feed (1.2)	Oils & resinoids, perfumery, cosmetic or toilet preparations (0.9)

Note: Figures in parentheses show percentage share of India's exports to Kazakhstan.

Source: UN Comtrade, 2011.

However, the share of coffee, tea, mate & spices has been declined to 29.3 percent in 2010. Other major exports has included articles of apparel & clothing accessories-knitted or crocheted fabrics (16.3 percent); articles of apparel & clothing accessories-not knitted or crocheted (4.9 percent); nuclear reactors, boilers, machinery & mechanical appliances, computers (3.5 percent); articles of leather, saddler & harness, travel goods, hand bags, articles of gut (1.9 percent); ceramic products (1.5 percent) etc. Thus table shows that coffee, tea, mate & spices; pharmaceutical products; textile products and machinery & equipments constituted major share in export commodities of India to Kazakhstan.

Table V presents the percentage share of top ten Indian imports from Kazakhstan market, during 1995, 2000, 2005 and 2010. Metals like zinc, Iron, copper, salt & sulphur, lead etc have been in top ten imports by India, since 1995. However, their ranks and shares has to be changed, e.g. in 1995 iron & steel was the top most import commodity with a share of 37.6 percent of total imports from Kazakhstan. After that there were salt, zinc, lead and aluminum in list (all in descending order share wise). In 2000, the picture has changed. Pearls, stones, prec. metals, imitation jewelry, coins constituted major share (66.4 percent) followed by iron & steel (22.8 percent); salt, sulphur, earth & stone, lime & cement (5.7 percent) and zinc & articles (4.2 percent). In 2005, iron & steel experienced a rise-up with 58.3 percent share in total imports. Other major imports in that year included salt, sulphur, earth & stone, lime & cement (26.7 percent); pearls, stones, prec. metals, imitation jewelry, coins (7.8 percent); raw hides & skins & leather (5.2 percent) and nuclear reactors, boilers, machinery & mechanical appliances, computers (0.8 percent). In 2010, India's exports to Kazakhstan changed a spot with zinc & articles (31.9 percent) became the primary import. Pearls, stones, prec. metals, imitation jewelry, coins and salt, sulphur, earth & stone, lime & cement occupied 19.9 percent of total Indian imports from republic; while Iron & steel has been occupying forth position in list (19.2 percent). Other chief imports in 2010, has included inorganic chem., org/inorg compounds of precious metals, isotopes (4.6 percent); lead & articles thereof (1.4 percent); lac, gums, resins, etc (1.2 percent); raw hides & skins & leather (0.99 percent); base metals nesoi, cermets, articles etc (0.3 percent); miscellaneous chemical products (0.2 percent).

Thus, it can be said that the Indian imports from Kazakhstan are highly concentrated around few commodities such as zinc & articles; Pearls, stones, prec. metals, imitation jewelry, coins; salt, sulphur, earth & stone, lime & cement; Iron & steel; lead & articles thereof etc. Overall, there are a handful sector specifically mineral products, stone/glass, chemicals & allied industries and metals, those dominated in bilateral trade between India and Kazakhstan during study period. Mineral products were ahead in both exports and imports. As Kazakhstan's traditional sectors both minerals and metals earn more than 88 percent of Kazakhstan's total earnings from trade

with India. It indicates country's specialization in these two sectors. India's traditional sector of textile also has a good share in country's export basket to Kazakhstan whereas it also sold vegetable products to India in 2010. However, over the last five years (2005-09), the composition of bilateral trade (exports as well as imports) has remained more or less unchanged.

Table V. India's Top Ten Import Commodities from Kazakhstan

1995	2000	2005	2010
Iron & steel (37.6)	Pearls, stones, prec. Metals, imitation jewelry, Coins (66.4)	Iron & steel (58.3)	Zinc & articles thereof (31.9)
Salt, sulphur, earth & stone, lime & cement (30.0)	Iron & steel (22.8)	Salt, sulphur, earth & stone, lime & cement (26.7)	Pearls, stones, prec. metals, imitation jewelry, coins (19.9)
Zinc & articles thereof (10.7)	Salt, sulphur, earth & stone, lime & cement (5.7)	Pearls, stones, prec. Metals, imitation jewelry, coins (7.8)	Salt, sulphur, earth & stone, lime & cement (19.9)
Lead & articles thereof (7.1)	Zinc & articles thereof (4.2)	Raw hides & skins & leather (5.2)	Iron & steel (19.2)
Aluminum & articles thereof (4.3)	Articles of iron or steel (0.3)	Nuclear reactors, boilers, machinery & mechanical appliances, computers (0.8)	Inorganic chem., org/inorg compounds of precious metals, isotopes (4.6)
Wool & fine or coarse animal hair, inc. Yarns & woven fabrics thereof (3.0)	Raw hides & skins & leather (0.2)	Aluminum & articles thereof (0.5)	Lead & articles thereof (1.4)
Plastics & articles thereof (2.9)	Silk, inc. Yarns & woven fabrics thereof (0.2)	Lead & articles thereof (0.4)	Lac, gums, resins, etc. (1.2)
Base metals nesoi, cermets, articles etc. (1.03)	Copper & articles thereof (0.03)	Base metals nesoi, cermets, articles etc (0.2)	Raw hides & skins & leather (0.99)
Raw hides & skins & leather (0.7)	Tools, spoons & forks of base metal (0.03)	Copper & articles thereof (0.1)	Base metals nesoi, cermets, articles etc (0.3)
	Knitted or crocheted fabrics (0.02)	Electrical machinery & equip. & parts, telecommunications equip., sound recorders, television recorders (0.02)	Miscellaneous chemical products (0.2)

Note: Figures in parentheses show percentage share of India's imports from Kazakhstan.
Source: UN Comtrade, 2011.

Trade Potential

Though, Kazakhstan is a very weak trade partner of India but there is huge potential for increasing trade. The high potential in Indo-Kazakhstan bilateral trade pursue from the fact that both the economies are high-growth-large-economies in their respective sub-regions. While both the economies are labor abundant with a growing industrial base, there are certain complementarities in various sectors. Based on these complementarities, both countries can enhance their bilateral trade ties by tapping the untapped potential. This section highlights the India and Kazakhstan's potential trade areas for enhancing two way flow of trade.

Indo-Kazakhstan bilateral trade potential has been calculated by using the 'Indicative Trade Potential (ITP)'. The concept of indicative trade potential (ITP) based on trade flow analysis has been used broadly by the International Trade Centre in Geneva (division of the UN system and closely affiliated with UNCTAD and the WTO). ITP isolates total demand and total export capacity thereby providing a rough estimate of how much countries could 'theoretically' trade between them (Daya, 2006). It helps in identify the products for which there are the highest trade complementarities between the exports of a country and the imports of the target country (Helmer & Pasteels 2006, p.11). ITP is defined as;

$$ITP_{ijk} = \min (X_{ik}, X_{jk}) - X_{ijk}$$

Where,

ITP_{ijk} - Indicative Trade Potential for Country i's exports to country j

X_{ik} = Country i's exports to world

X_{jk} = Country j's imports from world

X_{ijk} = Country i's exports to country j

A positive 'indicative trade potential' suggests that a trade opportunity exists. The *trade potential indicator assumes that the importing country could in principle absorb perfectly all imports from the exporter. With such a strong underlying substitution assumption, the resulting figures are only indicative but can nevertheless be used in order to rank the products* (Helmer & Pasteels 2006, p.11). Unrealized Trade Potential would be the indicative trade potential less any existing exports to that market.

In present Study, ITP is used to find out the India and Kazakhstan's export potential in each other's market by examining the trade flows between India and Kazakhstan for the year 2010. Examining the trade flow is vital to examine whether the export capability of India matches the import demand of Kazakhstan and vice-versa. Here, export data is used as the alternative variable for the production of one country and import data can be observed as a substitute for demand in another country. Table VI and VII present an estimate of India and Kazakhstan's export potential in each

other's market, for major commodities. The major commodity in this section are defined as the commodities included in both major top twenty imports by one country from world as well as major top twenty exports by another country to world.

- a) **India's Exports to Kazakhstan:** Table VI reveals that there exist trade complementarities between the exports of India and the imports of the Kazakhstan for all major commodities. The existence of a high ITP is a necessary condition for trade to take place between the two countries in the short run. Thus, there has been existing highest export opportunity for nuclear reactors, boilers, machinery & mechanical appliances, computers with an undeveloped trade potential of US\$ 4312.3 million. After that, there has been commodities electrical machinery & equipments & parts, telecommunication equip., sound recorders (US\$ 2496.1 million); mineral fuels, oil, waxes & bituminous sub (US\$ 2379.7 million); rticles of iron and steel (US\$ 1769.1 million) and vehicles other than railways or tramway rolling stock(US\$ 1035.7 million).

Machinery/electrical and transport equipment are major items in India's export basket but exports of these commodities to Kazakhstan are still marginal. During 2010, out of the total US\$ 16849.2 million Indian exports of machinery and instruments, only US\$ 6.7 million (0.04 percent of total Indian exports and 0.10 percent of total Kazakhstani imports) had been exported to Kazakhstan. In the case of transport equipments, a marginal US\$ 0.16 million (0.001 percent) of total exports of US\$ 13509.2 million had been exported to Kazakhstan during the same period. It has a negligible share of 0.015 percent in Kazakhstan's import. Thus, there has a probability to increase the exports of these products to Kazakhstan.

- b) **Kazakhstan's Exports to India:** Table VII reveals the existence of a high ITP for five out of ten commodities. Mineral fuels, oil, waxes & bituminous sub with undeveloped potential of US\$ 41032.9 million has followed by pearls, stones, prec. metals, imitation jewelry, coins (US\$ 3640.1 million); electrical machinery & equipments & parts, telecommunication equip (US\$ 2185.2 million); iron & steel (US\$ 2598.6 million) and ores, slag & ash (US\$ 1167.5 million). Thus, the principal items that can be imported from Kazakhstan are mineral products, natural or cultured pearls and metals.

India spends a big part of its export earnings on the imports of mineral products especially mineral fuels and oils etc. On the other hand this commodity is the major item in Kazakhstan's export basket. In 2010, India imported mineral products of worth US\$ 22.74 million from Kazakhstan (0.05 percent of Kazakh's total global exports and 0.02 percent of India's total global imports). Hence, the republic has a potential to export more

mineral fuels to India. Hate (2007) considered Kazakhstan as an alternative of Iran to fulfill India's energy needs. Kazakhstan also has a potential in metals. During 2010, out of the total US\$ 20370 million Indian imports of metals, only US\$ 60.6 million (0.8 percent of total Kazakh exports and 0.3 percent of total Indian imports) are exported by Kazakhstan. The republic has exported almost all metals to India except base metals and its articles which comprises the 6 percent of India's total metal import from world in 2010. To enhancing exports of metals, republic's focus, therefore, may be on this product.

Kazakhstan is in transaction period and it has been increasing its demands for services sector. According to International Trade Statistics-2010 of WTO, in 2009 Kazakhstan imports the services of total US\$ 48.15 million from world. Out of that India has a negligible share of just 0.001 percent (US\$ 0.06 million). On the other hand, India's total service exports in the same year were of US\$ 87434 million. Considering EU-27 as a single unit, it ranked among the top five countries in the export of computer and information services, commercial services, communication services and personal services (WTO 2011). As India ranked among the top exporters of commercial services in world; it has a huge potential for exports of services to Kazakhstan.

Overall, the potential for cooperation between the two countries is almost remained untapped and thus there exists a vast scope to increase and diversify the bilateral trade.

Trade Barriers

The potential for Indo-Kazakhstan trade has been restricted by many trade barriers. These constraints and limitations should be examined to tap the real potential of this bilateral trade and also to understand the future course of their relationships. Some of these obstacles are:

- **Geographical and Political Barriers:** The biggest obstacle in enhancing bilateral trade is the lack of direct access between India and Kazakhstan. Kazakhstan is a land-locked country. It shares borders with Russia, Uzbekistan, China, Kyrgyzstan, and Turkmenistan and Caspian Sea. Since Kazakhstan and India do not share borders efforts are being made to improve regional cooperation to establish transport corridors. Presently, trade is occurred through the black sea, China and via Iran-Afghanistan-Pakistan. Some businessmen carry goods with them by air from India to be sold in Central Asian markets. This can hardly be called a cost effective way of doing business (Sarma 2010). Due to the New Delhi's troubled relations with Islamabad and China, India cannot exploit its physical closeness to Kazakhstan. Also, there are unstable political situations in Pakistan and Afghanistan which directly affects the Indo-Kazakh trade. Indian companies are on the other hand, walking

around the options of taking up internationally funded projects and launched joint ventures in Kazakhstan in different areas to effectively surmount these logistical obstacles.

- **Transport Bottlenecks:** Transport bottlenecks and inadequate travel links is the main problem of the whole Central Asia. All Central Asian Republics (CARs) are landlocked and situated far from major international seaports and developed country markets. Also, region has difficult topography that complicates their transport links with the other parts of the world, particularly South Asia. Thus, there are high transport costs and long and unpredictable transit times for international shipments to and from the CARs (Ganiev, et al. 2006, p.28). Kazakhstan as a Central Asian country has faced same problems. It has no access to navigable international waterway thus has to depend upon other neighboring countries for trade and transportation routes for their natural resources. There are a few air links between both countries but trade by air cannot be competitive.
- **Information Gap:** Another important reason for the rather modest level of bilateral trade is that both countries have not enough valid information about each other's potential as well as prospects. The enormous information gap between two countries keeps them away from realizing the full potential of bilateral relationship. People in Kazakhstan are well informed about Indian tea, films, music, culture, dance, yoga as well as Indian spiritual gurus but are not adequately conversant with the immense progress that India has achieved in the vanguard fields of science and technology like biotechnology, nanotechnology, space, nuclear energy, IT etc. (Sajjanhar 2010, p.3). Also policymakers are not aware about the high quality international education and healthcare services provided by India. Traders and businessmen in India as well as Kazakhstan have not possessed up-to-dates of trade and business regulations and norms of each other country. This is one important constraint due to which bilateral trade and investment flow is affected (Attari 2010).
- **Trade Policy Barriers:** India has a complex and opaque tariff system with a comparatively high average tariff rate. Moreover, it has many exceptions to the standard "most favored nation" (MFN) tariff rate, which makes difficult for foreign companies to determine the correct tariff rate for their exports. Also, there are common trends of irregular enforcement of existing tariff laws, as well as claims of arbitrary evaluation of imported goods, in country. On the other hand, Kazakhstan is still passing through the phase of economic transition. In 2006 Asian Development Bank (ADB) commented on Kazakhstan's tariff structure. According to ADB, *Kazakhstan has a rather complex tariff schedule with a large number of tariff bands and a high maximum tariff rate. A serious problem with tariffs in Kazakhstan is that "changes in tariff schedules are rather frequent and unpredictable"* (Ganiev, et al. 2006, p.26).

Table VI: Commodity-wise India's Export Potential with Kazakhstan (2010)

H S Co de	Commodity	India's exports to Kazakh (million US\$)	India's exports to world (million US\$)	Share of Kazakh in India's exports	Kazakh's imports from World (million US\$)	Share of India in Kazakh's import	Indicative Potential Trade (ITP)	Undeveloped Trade Potential (million US\$)
		A	B	$C = \frac{A}{B} * 100$	D	$E = \frac{A}{D} * 100$	$F = \min(B, D) - A$	$G = F - A$
84	Nuclear Reactors, Boilers, Machinery & Mechanical Appliances, Computers	5.1	8149.8	0.06	4322.5	0.12	4317.4	4312.3
85	Electrical Machinery & Equipments & parts, Telecommunication equip., Sound Recorders	1.6	8699.3	0.02	2499.3	0.06	2497.7	2496.1
27	Mineral Fuels, Oil, Waxes & Bituminous Sub	0	37984.1	0	2379.7	0	2379.7	2379.7
73	Ricles of Iron and Steel	0.7	6367.6	0.01	1770.5	0.04	1769.8	1769.1
87	Vehicles other than Railways or Tramway Rolling Stock	1.6	9285.8	0.02	1038.9	0.02	1037.3	1035.7
30	Pharmaceutical Products	46.8	6093.2	0.8	924.7	5.06	877.9	831.1

39	Plastics & Articles thereof	1.6	3638.4	0.04	783	0.21	781.4	779.8
90	Optical, Photographic, Cinematographic, Medical/Surgical Instruments etc.	0.6	1440.7	0.04	757.2	0.08	756.6	756
72	Iron & Steel	0.01	6996.2	0.0001	498.6	0.002	498.6	498.6
89	Ships, Boats & Floating Structure	0	4223.3	0	404.8	0	404.8	404.8

Source: Author's Calculations based on UN Comtrade, 2011.

Table VII: Commodity-wise Kazakhstan's Export Potential with India (2010)

HS Code	Commodity	Kazakhstan's export to India (million US\$)	Kazakhstan's export to World (million US\$)	Share of India in Kazakhstan's exports	India's import from world (million US\$)	Share of Kazakhstan in India's imports	Indicative Potential Trade (ITP)	Undeveloped Trade Potential (million US\$)
		A	B	$C = \frac{A}{B} \times 100$	D	$E = \frac{A}{D} \times 100$	$F = \min(B, D) - A$	$G = F - A$
27	Mineral fuels, oil, waxes & bituminous sub	0	41032.9	0	110840.7	0	41032.9	41032.9
71	Pearls, stones, prec. metals, imitation jewelry, coins	22.8	1213.1	1.9	68629.9	0.03	1190.3	1167.5
84	Nuclear reactors, boilers, machinery & mechanical appliances, computers	0.05	144.5	0.03	28090.1	0.0001	144.45	144.4
85	Electrical machinery & equipments & parts, telecommunication equip.	0	63.5	0	25209.4	0	63.5	63.5
72	Iron & steel	21.9	3683.9	0.6	10701.3	0.20	3662	3640.1
26	Ores, slag & ash	0	2185.2	0	5540.7	0	2185.2	2185.2
28	Inorganic chem. org/inorg compounds of precious metals, isotopes	5.3	2609.2	0.2	3665.2	0.14	2603.9	2598.6

88	Aircraft, spacecraft & parts thereof	0	100.9	0	3335.5	0	100.9	100.9
73	Articles of iron & steel	0.01	97.9	0.01	3071.3	0.0003	97.89	97.8
76	Aluminium & articles thereof	0.02	372.8	0.005	2063.5	0.0	372.83	372.8

Source: Author's Calculations based on UN Comtrade, 2011

Table VIII: Tariff Structure of India and Kazakhstan (Percent)

	Year	India			Kazakhstan		
		Total	Agri.	Non-agri.	Total	Agri.	Non-agri.
Simple Average Final Bound		48.7	113.1	34.6			
Simple Average MFN Applied	2010	12	33.3	8.9	9.2	13.7	8.5
Trade Weighted Averages	2009	6.9	44.2	5.1	9.3	19.8	8.3

Source: WTO, World Tariff Profile, 2011.

Table IX reveals the tariff structure of India and Kazakhstan in international trade market. Table reveals that the simple average MFN tariff rate of India was only 12 percent in 2010. It declined from 15.1 percent in 2006. There is decline in both agricultural and industrial average tariffs, due to India's shift towards lower tariffs. The average for WTO non-agricultural products (8.9 percent) is considerably lower than the average for WTO agricultural products, which is 33.3 percent.⁶ Kazakhstan is slightly more open with non-agricultural trade than with agricultural trade. Kazakhstan's simple average MFN applied tariff is 9.2 percent. Kazakhstan's high tariff rate, quantitative restriction and another strict trade policies discourage the foreign traders.

- **Lack of Infrastructure:** Poor infrastructure is another major hurdle in the growth of mutual economic ties between India and Kazakhstan. For instance, banking in Kazakhstan is not as efficient to handle international transactions. The country is not willing or able to privatize the banking system (Sarma 2010). Also, Indian banks take more interest in west rather than Central Asia due to high returns on investment in developed world. Meanwhile, Punjab national Bank starts operations in Almaty. It has a majority stake in Kazakhstan-based JSC Dana Bank.⁷ There is also non-availability of hard currency and lack of conversion facilities that providing a further impediments for the growth of bilateral trade relations (Bhatia 2009).
- **The other hurdles:** Competition by external players (like EU, China, Russia and USA) with better connectivity with the Kazakhstan and whole Central Asia is also adversely affecting the process. Kazakhstan

⁶ Summary of India's Trade Policy Review, available at http://www.wto.org/english/tratop_e/tpr_e/s249_sum_e.pdf, accessed 25December 2011.

⁷ The Indian Express, 14 December 2010, available at: <http://www.indianexpress.com/news/pnb-buys-kazakhstanbased-dana-bank/724476>, accessed 21December 2011.

holds near to fifty percent of its trade with EU and China. This trade, for a variety of political, economic and technical reasons, cannot be diverted to Indian enterprises. So, Indian traders and investors are not prepared to take risk. Additionally, the language barrier together with insufficient marketing through main newspapers by the respective government also confines the development of bilateral commercial relationships.

These hurdles have to be overcome to raise the already initiated trade and economic cooperation to higher level.

Sum-up

It is quite clear that the potential of both India and Kazakhstan is much bigger than the existing level of trade. There are enormous complementarities in bilateral trade and investment that need to be tapped. Kazakhstan is rich in mineral resources and is trying to diversify its economy into sectors such as telecommunications, financial services, transport, construction, pharmaceuticals, food processing. On the other hand, India has an advanced technology sector and a highly skilled manpower. It is also ready to help Kazakhstan in its diversification process. However, the two-way trade less than actual potential and remains the most unsatisfactory part of India's relations with Kazakhstan. It may be due to the lack of land connectivity. The implementation of the International North South Corridor will facilitate cheaper movement of goods. India should also be considered some new trade paths to make direct connectivity between India and Central Asia. These may be via China as suggested by Stobdan (2008). Kazakhstan has good political and economic relations with both China as well as India. Therefore it can play as a mediator in developing these routes. *This would further improve the chances of increasing cooperation between South Asia, Central Asia and China, keeping India at the centre* (Hussain 2009).

Kazakhstan has a greater importance for India in the context of uranium supply after the Nuclear Suppliers' Group (NSG) waiver. It is the second largest producer of uranium after Australia. Also, unlike Australia and Japan, it does not insist the India to sign the *Non-Proliferation Treaty (NPT)*. *The NPT is an international treaty whose objective is to prevent the spread of nuclear weapons and weapons technology, to promote cooperation in the peaceful uses of nuclear energy and to further the goal of achieving nuclear disarmament and general and complete disarmament.*⁸ On the other hand, the republic like other Central Asian countries needs a huge foreign capital in term of FDI for research, manufacture and export of their unknown

⁸ UNODA, 2012, available at: <http://www.un.org/disarmament/WMD/Nuclear/NPT.shtml>, accessed 17 May 2012. Institutional author United Nations.

energy assets. To fully utilize the India's potential to contribute in transition of Kazakhstan and Kazakhstan's ability to provide the scarce hydrocarbon and uranium resources to India, the process of bilateral cooperation needs to be speed-up in future. *It is a good time to negotiate with Kazakhstan for a FTA and to rewrite the history of economic-cultural cooperation between the two countries in order to facilitate future cooperation between India and Central Asia* (Pahariya 2009, p.6).

References

- Agarwal, Ramgopal., [2006]: *Towards Comprehensive Economic Co-operation between India and Central Asian Republics*, RIS Discussion Papers, RIS-DP # 108 , New Delhi, Research and Information System for Developing Countries.
- Attri, Ashok Kumar., [2011]: *India and Central Asian Republics* (New Delhi, Regal Publications).
- Bandyopadhyay, Lopamudra., [2011]: *Recent India-Kazakhstan Relations: Venturing Towards Greater Cooperation*, Kolkata, Global India Foundation.
- Bhatia, V.K., [2009]: India-Kazakhstan Relations: Challenges and Prospects, *Mainstream*, XLVII, 38.
- Daya, Yusuf., [2006]: *Trade Potential between South Africa and Angola*, March 2006, available at: <http://www.nda.agric.za/docs/researchP/Angola.pdf>, accessed 02 March 2012.
- Ganiev, Bahodir, et. al., [2006]: *Central Asia: Increasing Gains from Trade through Regional Cooperation in Trade, Policy, Transport and Custom Transit* , Philippines, Manila, Asian Development Bank .P.P 25-35.
- George, Joseph, et al., [2011]: *A Note on India-Kazakhstan Trade and Investment Relations*, A Briefing Paper, Jaipur, CUTS Internationals. Available at: http://www.cuts-citee.org/pdf/Briefing_Paper-India-Kazakhstan_Trade_and_Investment_Relations.pdf , accessed 18 December 2011.
- Hate, Vibhuti & Schaffer, Teressita C., [2007: 'India's "Look West" Policy: Why Central Asia Matters', *South Asia Monitor*, 110 , 5 September, Washington, D.C. Center for Strategic and International Studies.
- Helmer, Christian & Pasteels Jean-Micheal, [2006, November]: *Assessing Bilateral Trade Potential at the Commodity Level: An Operational Approach*, ITC Working Paper, Geneva: International Trade Center.
- Hussain, Zakir., [2009]: *India and Kazakhstan: New Ways Ahead*, IDSA Comment 18 February, available at: <http://www.idsa.in/publications/stratcomments/ZakirHussain180209.htm>, accessed 15 February 2012.

- Jadraliyev, Murat., [2010]: *Economic Cooperation in Agricultural Sector of CIS Countries: A Sector Report of Eurasian Development Bank*, Almaty, Kazakhstan, RUAN Publishing Company.
- Kaur, Sandeep., [2011]: 'India's Trade with Central Asia: Trends and Prospects', *International Journal of Central Asian Studies*, 15, Korea, Korea University of International Studies. P.P 249-274.
- Kaur, Sandeep & Kaur, Jaspreet., [2013]: 'India's Trade with Central Asia with Special Reference to Kazakhstan in Post Cold War Era' in Malhotra, Rashpal; Gill, S.S. and Gaur, Neetu (eds), *Prospectives on Bilateral and Regional Cooperation: South and Central Asia*, Chandigarh, Centre for Rural and Industrial Development. P.P161-182.
- Pahariya, N.C., [2009]: *India Should Go for FTA with Central Asian Countries*, CUTS Briefing Paper 10, Jaipur, CUTS Centre for International Trade, Economic & Environment.
- Peyrous, Sebastian., [2007]: The Hydroelectric Sector in Central Asia and the Growing Role of China, *China and Eurasia Forum Quarterly*, 5, 2. P.P 131-148.
- Ruddar Datt & Sundharam, K. P. M., [2009]: *Indian Economy*, New Delhi, S. Chand.
- Sachdeva, Gulshan., [2010]: 'Regional Economic Linkages', in Joshi, Nirmala (eds.), *Reconnecting India and Central Asia: Emerging Security and Economic Dimensions*, Singapore, Central Asia-Caucasus Institute & Silk Road Studies Program. P.P 115-180
- Sajjanhar, Ashok., [2010, June]: India-Kazakhstan Relations: Opportunities for Future, Astana, Embassy of India.
- Sarma, Sen Angira., [2010]: *India and Central Asia: Redefining Energy and Trade Links*, New Delhi, Pentagon Press.
- Stobdan, P., [2008]: *Exploring India – Kazakhstan Transport Linkage*, IDSA Policy Brief 22 December, available at: http://www.idsa.in/policybrief/exploringindiakazakhstantransportlinkages_pstobdan_221208, accessed 15 February 2012.
- UN Comtrade, United Nations Commodity Trade Statistics Database., [2011]: available at: <http://comtrade.un.org>, accessed 2011 & 2012 various dates.
- WTO., [2010]: *World Tariff Profiles 2010*, Geneva, Switzerland, WTO Publications.